

HIPs scrapped but EPCs still needed for house sales

The new Government has moved quickly to scrap Home Information Packs (HIPs) but has decided to keep Energy Performance Certificates (EPCs).

The use of HIPs was suspended on 21st May and new legislation will be introduced to abolish them permanently.

Making the announcement, new communities secretary, Eric Pickles, declared that "HIPs are history" and said: "The expensive and unnecessary Home Information Pack has increased the cost and hassle of selling homes.

"That is why I am taking emergency

action to suspend the HIP, bringing down the cost of selling a home and removing unnecessary regulation from the home buying process. This action will encourage sellers back into the market, and help the market as a whole and the economy recover."

Effectively, it means that HIPs are no longer needed when selling a home. However, the coalition Government says it wants to promote policies to protect the environment and so EPCs will be retained.

EPCs rate a property's energy efficiency from A to G. Sellers will still have to

commission an EPC before marketing their property and it must be available within 28 days of the property being put up for sale.



Abolishing HIPs means the burden of paying for searches will now fall back on the buyer and so will add to their costs.

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

LPAs help protect your interests if your health fails

Higher living standards and better health care mean that people are living longer than ever before.

While many will enjoy extra years of active life, others unfortunately may begin to suffer from age related dementia which affects their mental capacity and prevents them from making decisions about their financial affairs and personal welfare.

Uncertainty about the future prompts thousands of people each year to consider the use of Lasting Powers of Attorney (LPA).

These enable you to nominate someone such as a family member or trusted associate to make decisions on your behalf if you ever lose the ability to do so yourself in the future through



illnesses such as dementia. The property and finance LPA allows you to appoint someone to look after your financial affairs and the personal welfare LPA lets you grant an attorney authority over such

matters as health care and the kind of treatment you receive.

LPAs should be drawn up with the help of a solicitor to ensure that they accurately express your wishes and protect your interests.

The growing problem of dementia makes it important for everyone to look to their future now while they are still in good health.

No one can be sure what the future will bring us in terms of our health but LPAs can at least ensure that our interests are protected should the worst happen.

Please contact us if you would like more information about Lasting Powers of Attorney.

Mother receives £55,000 compensation for injuries

A mother-of-three has received £55,000 compensation after being injured in a road accident.

The 36-year-old woman was a passenger in a car which collided with a vehicle pulling out of a driveway. She suffered two broken wrists, bruising and went on to develop post-traumatic stress disorder.

She underwent surgery but continued to suffer from pain in both hands. She

was still able to do housework but it took her longer than before and she found everyday tasks to be exhausting.

At the time of the accident the woman was working as a part-time teaching assistant but she was also a qualified midwife and had planned to return to midwifery once her children had grown up.

That would no longer be possible for her due to the nature of the work and so her

earning capacity would be reduced. The woman took action against the driver of the other vehicle claiming that she had been negligent in failing to give way as she left the drive.

Liability was admitted. Compensation of £55,000 was agreed in an out-of-court settlement.

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



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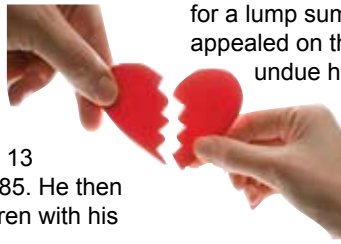
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£215,000 payment - 25 years after divorce

A woman is to receive £215,000 from her former husband even though they have been divorced for 25 years.



The couple had been married for 13 years when they separated in 1985. He then remarried and now has two children with his second wife.

He retired last year and applied to have his payments to his former wife dropped because his income had reduced. However, his ex-wife submitted that if the payments were to stop, he should pay her a lump sum instead.

When reaching his decision, the judge halved the value of some of the man's assets to reflect the interests of his second wife. This included his pension which would be the main source of his income. He then granted the order allowing the man to stop the payments. The wife's claim

for a lump sum payment was rejected. She appealed on the grounds that she would suffer undue hardship and that the judge had overestimated the interests and claims of the second wife.

The Court of Appeal has now ruled in her favour. It held that the judge had

been wrong to give priority to the claims of the second wife and that the man was in principle obliged to continue making the payments. The judge had also been wrong to conclude that the first wife could adjust to the sudden loss of payments without undue hardship.

The court ruled that the man should pay his first wife £14,000 a year until he had paid a total sum of £215,000.

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

Confusion remains over unqualified will writers

Research by the Fellowship of Professional Willwriters and Probate Practitioners shows that many people are still confused about the qualifications needed to set up in practice as a will writer.

More than 1,000 people were interviewed. The survey revealed that more than six out of ten consumers mistakenly believe that a person has to have qualifications before they can start writing wills. More than 600 had assumed that all will writers are solicitors.

This is not the case and badly drafted wills by unqualified practitioners cause enormous problems for many families

every year. The Law Society recently highlighted cases where wills turn out to be invalid because they are not properly drawn up. This means the deceased person's estate is treated as if he died intestate – that is, without having made a will at all.

The estate is then divided in a way laid down by the law, which could mean it goes to people the deceased person had not chosen.

The main attraction of unqualified will writers is usually that they are cheap. However, that often turns out to be a false economy as rectifying the damage caused can often



be extremely difficult. A Law Society spokesman said: "We advise people in this situation to consult a solicitor to check the accuracy of their will before it is too late."

Please contact us if you would like more information about wills and probate.

Women win equal pay claim against local authority

A group of local authority care workers have won an equal pay claim after discovering that men in comparable jobs were receiving bonuses.

The women were all employed by Sheffield City Council which introduced a productivity scheme for a section of workers who were predominantly male. It argued that this did not contravene the Equal Pay Act 1970 because the bonuses could not be applied to the care

staff due to the nature of their work. Both the Employment Tribunal and the Employment Appeal Tribunal rejected the women's claims on the basis that the bonus scheme was a genuine initiative to increase productivity among a group of local authority workers who just happened to be male.

It was not therefore tainted by any issues relating to sex. The women refused to accept the decision, however, and took the case to the Court of Appeal.

It has now ruled in their favour. It held that the tribunal decisions were perverse because the productivity bonus created a disparity of pay between the men and the women – even though that had not been the intention when it was introduced. The authority had failed to show that the scheme was objectively justified.

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

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.

Our newsletters are designed to highlight legal developments. They should not be taken as a comprehensive analysis of the law. Clients should always obtain professional advice before making decisions on legal matters.