

## Rights of Audience



**On 2nd December 2002** John Weatherall was granted the Higher Courts (All Proceedings) Qualification by the Law Society, based on his advocacy experience both in England and New Zealand. His title is now 'Solicitor Advocate'. This means he has all the rights of audience of a Barrister and can appear before any criminal or civil court where a solicitor would otherwise be prohibited from acting as advocate. Mr. Weatherall is one of only two Solicitor Advocates in Weston-super-Mare. He will continue to represent clients at the police station and in the Magistrates Court, as well as children and parents in care proceedings. However, he has already begun exercising his new rights of audience in the Crown Court and very much looks forward to the challenges of jury trials, appeals and the like in the future.

## Solicitors' Fees - Are they too low ?!!

"No!", most clients would say. "They're too high". But are they really excessive? In fact, they are just about right. Why? Because the law says they must be.

Solicitors are the most heavily regulated of all the professions both by Act of Parliament and the body that governs them – The Law Society.

Any client who thinks he has been overcharged has a remedy. This varies according to the type of case. In court proceedings a client has the right to ask his solicitor to justify his charges to an officer of the court and in other cases the client can ask the Law Society to give a Certificate of Fair Remuneration. A solicitor found to have overcharged is not only going to find his charges cut down to size, but may also suffer a financial penalty.

Clients are always entitled to have from the solicitor at the outset of any case a proper estimate in writing of the likely legal charges involved and not only must the solicitor advise the client of any change in that estimate, he must keep his client up to date with the amount of charges incurred at regular intervals.

Like any reputable firm of solicitors, we at Powells are always prepared to talk frankly and openly about our charges. We find this helps to avoid misunderstandings and to maintain the good relationships with clients which we have enjoyed over many years.

# we keep you informed

### Beware – Unlicensed Software Bites Back

Businesses using unlicensed copies of computer software risk having their equipment seized under the new Copyright, etc. and Trademarks (Offences and Enforcement) Act 2002.

The maximum penalty for some offences has been

increased from two to ten years in prison with an unlimited fine.

For full details go to the website link below.

<http://www.hmso.gov.uk/acts/acts2002/20020025.htm>

### Congratulations, Caughlin!

Caughlin Crosby has been with us since October 2000, initially as a Legal Secretary. She passed all the heads of her Legal Exec exams in December and is now building her experience as an assistant in the Property and Commercial department, working towards Fellowship of the Institute of Legal Execs (FILEX).

### New Tax Credits April 2003

Working Families, Disabled Person's and Children's tax credits are to be replaced by two new tax credits - Child tax credit and Working tax credit. These new tax credits will provide support to a wider range of people through a single framework. To receive them you need to claim using either the new tax credit claim form TC600 or visit the Inland Revenue website to make a claim online. You can claim for either or both of the new tax credits on one claim form.

### Issue 8 April 2003

This newsletter is a service provided by Powells Solicitors. All information is correct at time of going to press.

## Big Bang for Family Friendly Policies

The Government has confirmed that the new provisions on maternity leave and maternity pay, adoption leave and adoption pay and parental leave and parental pay will come into force on the 6th April 2003 (see our issue no.6 for details). The main new rights are as follows:

- Ordinary Maternity Leave (OML) increases from 18 to 26 weeks. Statutory Maternity Pay will also last for 26 weeks and the lower rate will go up to £100
- Employees entitled to OML who have 26 weeks' service by



the 15th week before the Expected Week of Childbirth (EWC) now qualify for Additional Maternity Leave (AML) which begins when OML ends and runs for 26 weeks, increasing the maximum leave entitlement to 52 weeks

- Notice of maternity leave must first be given in the 15th week before EWC but may be changed, on giving 28 days' notice
- Notice of early return from maternity leave has increased from 21 to 28 days
- The trigger for the start of maternity leave has decreased from the last six weeks to the last four weeks of pregnancy.
- Fathers and adoptive parents with 26 weeks' service by the relevant date are entitled to two weeks' Paternity Leave at £100 per week

- Parents with 26 weeks' service by the date they are matched with a child for adoption are entitled to 52 weeks' Adoption Leave. Statutory Adoption Pay will run for the first 26 weeks at £100 per week

The right to request flexible working to care for a child also comes into effect on 6th April 2003. This new right will apply only to employees, not to workers and applies to both men and women. The employee must have been continuously employed for at least 26 weeks at the date of application and must not be an agency worker, nor a member of the armed forces. Various other conditions of entitlement apply.

For advice on these and all other employment matters, please contact Glyn Evans on 01934 637 911.

## Thongs for the Memory

*It's official - nudity is lawful!*

Powells has obtained a landmark ruling for local nightclub owner, Chris Eggington, allowing total nudity by performers, under the terms of his Public Entertainment licence.

However, the decision under the Local Government (Miscellaneous Provisions) Act applies only to suitably managed and controlled premises.

If you would like any advice on Public Entertainment, liquor or other forms of licensing or gaming please contact Glyn Evans on 01934 637 911.



## Staff Focus

**Siân Hopkin**



Siân joined Powells in March 2003 and is the only solicitor in Weston who is a qualified Mediator.

She is good friends with Bobby Ferrari, the two having attended Guildford's College of Law together!

Since her qualification in 1985, Siân has specialised solely in matrimonial work. She is a member of the SFLA, Family Mediators Association and the College of Family Mediators and has been accredited by the Law Society.

Siân's interests include travel, cinema, theatre, reading and sports in the form of tennis and swimming.

we keep you informed online @ [www.powellslaw.com](http://www.powellslaw.com)

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