

## Stamp Duty Land Tax developments



On 1st December last year the Finance Act 2003 introduced a brand new tax to replace the existing stamp duty regime on UK land and buildings.

Although in most cases the amount of tax will be the same as under the stamp duty regime, tax may become payable at a much earlier stage for some transactions and in the area of commercial leases buyers may see significant increases.

A key aspect of the new system will be the clear requirement to notify relevant transactions by completing a Land Transaction Return (LTR) within 30 days of the effective date of the transaction. In response, the Stamp Office will issue an SDLT certificate that can be presented to a Land Registry (replacing the current need to get documents stamped).

Previously, purchaser clients have not been troubled by the stamping procedure. However, that situation will change with the advent of the new LTR. Although the Revenue are expecting the solicitor, as before, to complete the form as part of handling the transaction for the buyer, the form must be completed with the buyer's National Insurance number. Also, as it contains a declaration by the purchaser/s that the return is to the best of their knowledge correct and complete, the purchaser – not the solicitor – now has to sign it.

Please contact Nick Gilson on 01934 637 913 if you would like further advice on the implications of the Stamp Duty Land Tax.

## Go Seagulls!



For the third year running, Powells were proud to sponsor a Weston-super-Mare AFC match.

Weston were promoted at the end of last season to the Dr. Martens Premier Division and we were treated to a pulsating match on the evening

of Tuesday 2nd September 2003 against Dorchester Town. The game was played at a frantic pace with a good deal of goal mouth activity, before an appreciative crowd.

The end result was a 1-1 draw with Giuseppe Sorbara scoring for the Seagulls. Giuseppe was named by us as 'Man of the Match' for his all-action display, during which he caused a plenty of problems for the Dorchester defence. Partner Paul Addison presented Giuseppe with a bottle of bubbly to mark his Man of the Match status.

# we keep you informed

### Domestic Violence, Crime & Victims Bill

This Bill represents the biggest overhaul of the law on domestic violence since the 1970s. It will create an independent commissioner for victims and witnesses, and extend civil domestic violence law to unmarried and same-sex couples. Breaches of non-molestation orders will become an arrestable offence, while restraining orders could be granted where the defendant has been acquitted but the court believes an order is necessary to protect the victim. A new offence of familial homicide will prevent parents co-accused of their child's murder from escaping punishment by staying silent or blaming each other, and there will be reform of the defences to murder.

### Proposed Pensions Bill

This will create a new pensions regulator, giving statutory footing to the requirement that employers who wind up their pension schemes when not insolvent have to buy out members' benefits in full, and establish a fund to protect members in defined benefit schemes. Contact Glyn Evans on 01934 637 911.

### Proposed Civil Partnerships Bill

Proposals for a Civil Partnerships Bill will create a register for same-sex couples, and a formal court-based process to dissolve them. The Bill seeks to enable same-sex couples, living in a mutually supportive relationship, to make legal provision for their joint protection. For further information and advice please contact Bobby Ferrari on 01934 637 905.

### Issue 10 April 2004

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

## **Evidence** Police and CPS to report on 50 serious cases

The Solicitor General has announced that around 50 convictions for murder, manslaughter or infanticide are to be reviewed because they involve the pathologist who failed to disclose crucial evidence in the case of solicitor Sally Clark.

Harriet Harman QC said representatives of the Metropolitan Police and Crown Prosecution Service (CPS) would review the cases that involved Dr Alan Williams, and may also extend it to cases involving Professor Sir Roy Meadow, the paediatrician who gave evidence against Ms Clark and produced the now infamous one in 73 million statistic as the likelihood of two cot deaths in the same family.

Ms Harman revealed that following Ms Clark's successful appeal in January, she, along with the Attorney-General, Lord Goldsmith QC, discussed

the implications with the then Director of Public Prosecutions, Sir David Calvert-Smith QC.

As a result, a working group was formed, comprising the police, CPS, Home office and other relevant agencies. This has now identified around 50 cases, which date back between five and seven years, where Dr Williams was instructed by the police to conduct the post mortem, which resulted in a conviction. It is anticipated that the results of the initial review will be considered soon.

Ms Harman added that the Home office pathology advisory board will publish new codes of practice and procedure for pathologists, which will take account of the judicial comments on the methodology employed by Dr Williams in the Clark case.

## **Solicitors** to enter jury box

Anything which creates greater diversity on juries is to be applauded, and as such, the automatic exemption of the legal profession from jury service will be lifted this April, finally allowing lawyers to see the inside of the jury room. Under the Criminal Justice Act 2003, solicitors, barristers and even judges will form part of the selection pool for jury

duty. Like other registered electors, solicitors will have to show 'good reason' in order to be excused of their civic duty. However, under proposed new guidance, lawyers may also apply to be excused if they think it is likely that they will know – or be known to – anyone involved in the conduct of the trial, as is the case for anyone sitting as a juror.

## **Website accessibility**

*Are you breaking the law?*

Did you know that your website must be accessible to people with disabilities? Duties which came into effect in October 1999 of the Disability Discrimination Act 1995 under Section 4.7 of the Code of Practice (Rights of Access – Goods, Facilities, Services and Premises) apply to all business, service and e-commerce websites. Such sites must comply with all Web Accessibility Initiative (WAI) Priority 1 checkpoints to achieve Level A compliance and avoid breaking the law.

Should a disabled customer visit your website and be unable to use it (e.g. to buy groceries online, just one service which is very important to this sector), they have a valid complaint against your company. If the dispute is not resolved, you could be taken to court. If the customer wins the case, they could win compensation for financial loss, for injured feelings, or for both. They may seek an injunction or, in Scotland, an interdict against you to prevent any further discrimination.

Achieving Level A compliance can often be a simple process. Aardvark Creative will be more than happy to prepare a quote for any changes necessary. For a free website audit, go to [www.aardvark-creative.com/access/](http://www.aardvark-creative.com/access/) or contact Cerise Reed on 0117 378 9008.

## **Staff Focus**

**Stacy Leeroth**



Stacy joined Powells as an office junior in Summer 2003.

In her spare time, Stacy participates in competitive gymnastics and has won many medals for 1st, 2nd and 3rd place at both Regional and National level. She currently holds first place position for National Level 4 Tumbling throughout the South West, second place for National Level 4 Trio and second place at Tumbling, Nationally.

Well done Stacy!

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

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