

Golfing Fever Strikes Again!

Powells had the great pleasure of taking part in the 9th annual Rotary Club of Weston-super-Mare's Charity Golf Day at the end of July. Whilst Team Powells didn't do particularly well this time, coming 38th out of 51 teams, it was all for a good cause and raised over £11,000 for Cancer Research UK, the Rotary Tsunami Project and other charities.



Age Equality

The Department of Trade and Industry (DTI) has launched a consultation seeking views on draft Employment Equality (Age) Regulations 2006.

The consultation ends on 17th October 2005 and, subject to the approval of Parliament, the legislation will come into force on 1st October 2006. Some of the measures included in the draft Regulations are prohibiting unjustified age discrimination in employment and vocational training and employers who set their retirement age below the default age of 65 to justify or change it.

For more information contact **Glyn Evans** on **01934 637 911** or email evans@powellslaw.com.

Ian clowns around!



Photo courtesy of the Weston & Somerset Mercury

Ian Shipton, Head of Powells' Probate Department, has a very different job in his spare time – he's the President of the Weston division of the St John Ambulance! Here he is, clowning around with colleague Anita Bailey and Silly McB, a clown from Scotland, at the International Clown Festival in September 2005. We think Ian looks very fetching in his uniform and red nose!

we keep you informed

What the Civil Partnership Act means for employers

When the Civil Partnerships Act 2004 comes into force on 5 December 2005, same-sex couples can form a civil partnership and gain legal recognition of their relationship. Civil partnership brings with it rights and responsibilities between the partners and third parties - including their employers.

While the financial impact on businesses is likely to be small, employers need to give consideration now to adapting their policies (for example employee benefits and occupational pensions) to recognise civil partners in some areas where they currently recognise other forms of legal status (such as marriage).

If you need advice or assistance please contact contact **Russell Dean** on **01934 637 930** or dean@powellslaw.com.

Court fees hike

Solicitors and their clients face a huge hike in court fees next year. Some fees in magistrates' and family courts will rise by 650% if proposals aimed at saving the government £50m go ahead. In one of the largest increases, the fee for parents wishing to seek contact with a child will rise from £30 to £175.

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

The Civil Partnership Act 2004

From 5th December 2005 same sex couples will, for the first time, be able to register their relationship in a way which will be recognised by the law in this country. In addition previous foreign unions could be recognised.

Before registration those considering registering their partnership will want to consider whether or not they should sign the equivalent of a pre-nuptial agreement (a pre-registration agreement) to address how their assets should be divided if their relationship should come to an end. These agreements will be particularly relevant where the parties have made unequal contributions to their combined wealth. On the breakdown of a partnership the Courts will not be bound to uphold such an agreement but it will be considered by any Court adjudicating upon the financial implications of such a breakdown, as is the case in divorce proceedings.

Same sex couples will also need to review their wills and tax affairs.

As with marriage, wills and codicils already in existence will be automatically revoked upon registration of a partnership but new wills can be made before registration provided they are made in expectation of registration.



If no wills have been made on intestacy a civil partner will be granted the same rights as a spouse to chattels, residue and the redemption of a life interest.

Transfers between civil partners will be exempt for Inheritance Tax which means that, for the first time, there will be real opportunity to prepare tax efficient wills for couples in this position.

The position with regard to tax and security benefits is that civil partners will be treated as dependent, single economic units when determining tax and social security benefits.

In terms of Capital Gains Tax, same-sex partners who own more than one home may each have been able to claim principal private residence on a different property but this will cease when their tax treatment is brought into line with spouses.

One of the aspects of civil partnership that will differ from marriage is the way in which it is created. Instead of exchanging vows the couple will sign a "civil partnership document" in the presence of each other, two witnesses and a registrar. The witnesses and the registrar will then add their signatures to the document and the new civil partnership will be recorded in an official register. Before signing the document the couple must give notice of intention to register their partnership at least 15 days before signing the document.

The commitment involved in a civil partnership is reflected in the restricted way in which it can be dissolved. No application can be made in the first year of the partnership. However, if a partnership was entered into abroad and will be recognised in England and Wales, an application can be made after 5th December 2005.



The application will be on the basis that the partnership has "broken down irretrievably" but one of four facts will have to be relied on, ie unreasonable behaviour, two years separation and consent, two years desertion or five years separation. Unlike divorce, adultery isn't a fact that can be used due to its exclusive heterosexual definition.

Once the dissolution proceedings have commenced, either party can apply to the court to consider their partnership finances. The provisions that can be made are the same as the provisions that can be made on divorce. This means that partners can apply for maintenance, lump sums, property adjustments and pension sharing.

For advice on how the Civil Partnership Act will affect your tax planning, wills, employment or pensions, contact **Siân Hopkin** on **01934 637 904** or email hopkin@powellslaw.com.

Staff Focus

Josie Amador-Bedford



Josie joined Powells' Family + Crime Department in August 2005, having trained and qualified in the City of London. She has studied all over Europe, is fluent in three languages, and is a keen footballer.

Gillian Moore



Gillian, who is a Fellow of the Institute of Legal Executives, joined Powells in August 2005 having previously worked for a small practice just outside Bristol. Outside of work, Gillian spends most weekends either windsurfing or land speedsailing and is a member of the British Land Speedsailing Association.

we keep you informed online @ www.powellslaw.com

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