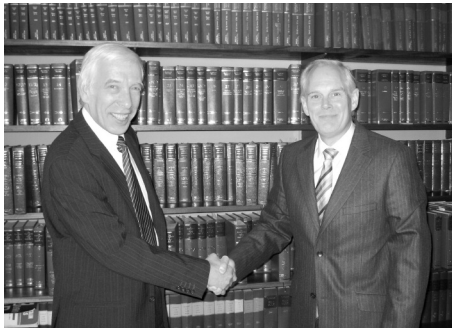


Senior Partner Nick Gilson: Recollections, on my impending retirement



Nick (left) with new Senior Partner, Glyn Evans

I joined Powells in April 1973 and I remember my interview, as if it was yesterday, as it was somewhat fraught because it coincided with the day when I was completing the purchase of my first house in Worle. I was interviewed by the then Senior Partner, Warren Powell, together with one of the other Partners, Jo Berrill, and I remember Ernest Powell came

in on the interview at one stage as well. They were rather bemused by the fact that I made the decision to move to Weston super Mare even before I had found employment but I had made the decision to move to this part of the world regardless.

As to my house purchase, I was dealing with a local firm of Solicitors who acted for the seller. Unfortunately they found it necessary to interrupt my interview to try to deal with an unnecessary point and I remember being extremely annoyed with them about it. This probably did not bode well for the interview but in

fact as it transpired the Partners of Powells had their own opinions of the gentleman concerned and I think they were somewhat impressed by the way I handled him even though I was unqualified and he was a Partner in another firm.

Unusual though to have an argument over the telephone during a job interview but

despite these trials and tribulations, in their foolishness the Partners took me on and I was therefore due to come to the office in April 1973 with a view to starting work in the Probate Department.

When I arrived the Partner who had been dealing with criminal matters had just left at somewhat short notice and I was therefore volunteered into doing crime instead of probate. Fortunately I had had some experience during my articles of dealing with criminal matters so it wasn't hugely difficult for me to switch codes although of course just coming up to qualification I hadn't actually appeared in anything more than industrial tribunals so standing up in Court was a new experience.

For a number of years after qualification I was in litigation dealing with civil and criminal matters. I was the Solicitor on call and of course in those days we prosecuted for the Police as well as defended clients so it was quite a mixture of work. In addition to that there wasn't the specialism

there is now and I therefore did the occasional bit of conveyancing.

Some are able to deal with litigation throughout their career but although I had enthusiasm for it to begin with I am afraid that rather waned so that when the opportunity to switch to conveyancing came up I rather jumped at the chance and since that time have been firmly ensconced in the Residential Conveyancing Department.

In recent times of course it has been turbulent for residential conveyancing. It's not too profitable and doesn't get any easier as the years go on. It can be a particularly stressful experience hence my decision to retire from the practice rather earlier than perhaps I need have done namely as I reach the age of 60 rather than 65.

I am sure that when I look back at the 35 years I have been at Powells the main thing that stands out for me is the happy and friendly atmosphere of the Partners

and staff. We have always enjoyed the 'Powells ethic'. True, we sometimes have our disagreements but we can always put them behind us and it has always been a very happy firm to work at. This comes over to clients who see that we are not only professional but a good and united team. The other fond memory is the fact that I have acted for so many extremely nice people. Whereas other firms of Solicitors often mutter about clients I have always said that almost without exception they are people I would be delighted to meet outside the office (though whether reverse is true is another matter!).

I formally retire on 31st December 2008 but have got holiday and sabbatical leave before then so will actually leave the office on 31st May 2008. All my best wishes for the future to you the Clients, Partners and Staff of Powells.

Thanks again,

Nick

we keep you informed

Waste Electrical and Electronic Equipment (WEEE) Regulations

The majority of SMEs are still unaware of WEEE regulations a year after the legislation came into force, according to the NetRegs environment survey. The results revealed that only 12 per cent of SMEs could name the Waste Electrical and Electronic Equipment (WEEE) Regulations unprompted, and just 36 per cent had heard of them once prompted.

UK businesses throw away one million tonnes of WEEE every year and companies still ignoring WEEE legislation could be paying the price through avoidable waste charges and unnecessary effort in disposing of their own electrical waste. To find out more about WEEE regulations and how they apply to your business, visit: www.netregs.gov.uk.

Stepping up

Congratulations to Powells Solicitor Jenny Brading, who has won the STEP (Society of Trust and Estate Practitioners) Administration of Trusts Student of the Year (November paper) award, which is an outstanding achievement.

Well done, Jenny!

Powells Survey

You may have noticed a form and pre-paid envelope with this issue of your newsletter. This is because we are conducting a survey of our clients, to enable us to meet your needs. Please fill in the form and pop it in the post, or if you prefer to complete the form online, please visit: www.powellslaw.com/survey

Issue 18, July 2008

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

The Companies Act 2006

A few of the key provisions of The Act which recently came into force

Execution of Documents

The main change for companies to note is that since 6 April 2008 a single director is able to execute a deed or document, provided his signature is witnessed. However, companies which have always executed documents by the signature of two directors or a director and secretary (if there is a secretary about which see below) or by affixing its common seal may continue to do so.

Company Secretaries

Since 6 April 2008 there is no longer a requirement for a private company to have a company secretary and new companies will be formed without one.

In relation to existing companies, if the Articles of Association expressly require it to appoint a secretary then it must continue to have a secretary until it amends its Articles. The fact that the company's Articles contain a provision requiring or authorising things to be done by a secretary is not to be regarded as an express requirement for a company to have a secretary. In the absence of an express requirement the existing secretary can resign and his functions performed by the directors.

Annual General Meetings

There is no longer a requirement for a private company to hold an annual general meeting unless its Articles of Association expressly require it to hold one. Again, references in the Articles to an AGM do not count as an express requirement to hold one.

Chairman's Vote

For companies formed since 1 October 2007 the Act has abolished the chairman's casting vote at meetings of

shareholders/members for all companies. Any company formed before then which has Articles containing a chairman's casting vote at company meetings can continue to rely on it.

The chairman's casting vote will remain in relation to directors' meetings unless the Articles of Association are expressly amended to remove it.

Payment of Expenses on Winding up

Expenses of a winding up are now to be paid out of realisations from floating charge assets. This will put payment of expenses in a winding up on broadly the same footing as payment of expenses in an administration. It is better to have security than not but this change will reduce further the value of floating charges.

Accounting and Audit

The time for private companies to file their accounts with the Registrar of Companies has been reduced from 10 to 9 months from their year-end. The threshold for exemption for which small private companies must have audited accounts has also been raised. Where a private company is required to have an auditor the need to re-appoint the auditor each year has gone and the auditor will be deemed to be re-appointed for the following year unless the company takes steps to end the appointment or appoint another auditor.

Further important provisions of the Companies Act will commence on 1 October 2008 and we shall update you as to these later in the year.

If you would like any advice on the matters covered in this article or on any other company matters please contact Gill Evans on **01934 637911** or email evans@powellslaw.com.

Home Information Packs

The Next Steps



If you are looking to sell your property after the 1st of June 2008, you must be aware that a residential property cannot be marketed in any manner until a valid energy performance certificate ("EPC") is made available for that property. It was originally intended that the entire home information pack would need to be available prior to marketing, but as at the 1st of June it is simply that the EPC is obtained.

We can of course obtain an EPC at the time a home information pack is commissioned. If you wish to discuss obtaining a home information pack or an energy performance certificate please contact Gill Moore by email moore@powellslaw.com or by direct dial **01934 637909**.

Fond goodbyes...

Jenny Edwards retires after 21 years

Jenny Edwards, receptionist and familiar face to the majority of Powells' clients, retired on 24th April 2008.

Jenny had been with us for 21 years and we all wish her and her husband Dave lots of holidays and shopping. We and the local M&S will miss her greatly!

Staff Focus

Bridget Sanger



Bridget joined Powells in 2008 and works as a clerk in the Criminal Department, running Crown Court cases and advising clients at the police station.

Bridget always wanted to work in Criminal Law, being attracted to the emphasis on advocacy and the opportunity to use her skills to help people who are vulnerable.

In her spare time, Bridget enjoys sport and travel, along with nights out to the theatre or cinema. She also volunteers for a number of charities.

we keep you informed online @ www.powellslaw.com

contact

01934 623 501

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