

we keep you informed

Energy Performance Certificates

In our February update we set out the timetable for the introduction of Energy Performance Certificates ('EPCs') for commercial buildings.

With limited exceptions from 1 October 2008 sellers and landlords will be required by law to provide an EPC for all buildings or parts of buildings when they are transferred (by freehold sale or leasehold assignment) or rented (by grant of lease or sub lease). Those carrying out the construction of the building will be required to provide an EPC to the owner.

If you are looking to sell or rent commercial premises from this date please contact us for advice about whether an EPC is required. If you fail to obtain an EPC when it is required by the Regulations you will be subject to financial penalties to a maximum of £5,000 as well as giving the purchaser or tenant an opportunity to 'chip' the price or rent.

Planning Ahead

Much has already been written about the Planning Bill currently going through Parliament and in particular the potential restriction of rights of appeal in relation to planning applications and the proposed new planning tax (Community Infrastructure Levy). However, the bill has only recently had its Second Reading and it is too early to consider its provisions in detail. We will update you in future newsletters once the main provisions of the bill have been finalised.

Building New Houses – Any Incentive?

As a result of concerns over mortgage fraud, the Council of Mortgage Lenders has introduced new procedures which require Solicitors acting for a lender on the purchase of a newly built property to obtain from the developer/builder or his Solicitor the new Disclosure of Incentives Form.

The form will detail all incentives and discounts offered by the developer to the purchaser and the purchaser's Solicitors will not be able to validly request funds from the lender until this form has been received.

Our builder/developer clients should contact us for more information about the procedures if they have new properties coming on stream.

Employment Law – A Pot Pourri

- From October 2008 the national minimum wage per hour increases to £5.73 for workers aged 22 and over, to £4.77 for workers aged 18-21 and to £3.53 to workers aged 16/17.
- For babies born after 5 October 2008, a woman on maternity leave will be entitled to all the terms and conditions of her contract e.g. company car, private health care, gym membership etc. At present these benefits are limited to the first six months of maternity leave. Similar changes are introduced for adoption leave.
- From April 2009, holiday entitlement will go up to 5.6 weeks giving a maximum of 28 days (which can include the Bank Holidays). This is the statutory minimum entitlement which many employers already meet or exceed.
- There are proposals that from April 2009 flexible working will be extended to parents of children who are 16 and under. Currently it relates to children under 6 years old or if disabled, under 18 years.
- The Government has agreed with Unions and employers on equal treatment for agency workers after twelve weeks continuous employment. The Government will consult regarding the implementation of the Temporary (Agency) Workers Directive. Assuming it is adopted by the European Parliament, the UK will be required to implement the legislation in April or October 2010. On the basis of current information it seems that our Recruitment Agency clients are likely to bear the burden of compliance rather than end users but we will revisit the topic as and when the directive is adopted.

If you would like advice regarding the above articles or any other property or commercial matters, please contact:

Glyn Evans
01934 637 911
evans@powellslaw.com

Stephen Soper
01934 637 915
soper@powellslaw.com

contact
01934 623 501
www.powellslaw.com

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7-13 Oxford Street
Weston-super-Mare
North Somerset BS23 1TE

Tel: 01934 623 501

DX: 8405

Fax: 01934 635 036

Email: info@powellslaw.com