

Our expertise, your way



PowellsLaw



Spring 2018

Why People Must Always Remain the Focus in Family Law

Family difficulties can easily spiral out of control if people don't take appropriate and measured actions early on. Caught up in the emotion of relationship breakdowns, either between parents or between parents and children, it's sometimes hard to see a clear pathway ahead.

Instinctive and emotional reactions to distressing events are rarely in the best long-term interests of all involved. The impact of what we say and what we do can reverberate for years and slow any healing process. Taking a pause to get advice and put priorities into perspective may not be the first thing you think of – but it always works out better in the long run.

The best outcomes are often those that help people restore the balance in their lives as quickly as possible, so they can look forward rather than back. When relationships break down, minimising the impact on any children is a clear priority.

Our Family Team has expertise in all aspects of family law however we focus first and foremost on providing a supportive environment throughout the process. The force of law may be the best way to achieve the outcome you are looking for, but often a less adversarial approach, such as mediation, may be more effective and better for all involved.

You'll find us understanding, easy to talk to and completely non-judgemental. If you are experiencing relationship issues don't bottle them up until you lose control. We can help you find a resolution that protects your rights and helps you to move forward. Contact the team here.



Buying a Building Plot – What Rates of Stamp Duty Land Tax Apply?

There is much confusion about the rates at which Stamp Duty Land Tax should be paid when buying a building plot.

A number of 'expert' websites incorrectly state that non-residential (commercial) rates apply.

Unfortunately, it is not that simple and it is a trap for the unwary. Why does it matter?

The nil rate band (the amount before which you pay any tax) is £125,000.00 for residential property and £150,000.00 for non-residential property, the residential rates increase after £250,000 and the non-residential rates do not. So, where residential rates apply there is a significant increase in the amount of Stamp Duty Land Tax to be paid. Failure to pay the correct amount of tax can also result in penalties and interest.

It seems odd that the purchase of a bare plot of land can be taxed in different ways but this is the case. A mere plot on which a dwelling is to be constructed is not a dwelling even if planning permission has been obtained and site preparation work has started. So far so good.

However, if that plot forms part of the gardens or grounds of an existing dwelling it is deemed to be residential property even if it is bare land. This is because 'residential property' means a building used or suitable for use as a dwelling or in the process of being constructed or adapted for such use. Crucially, the grounds or gardens will count as part of the dwelling, so if the plot you are purchasing forms part of an existing garden or grounds of a house, tax is payable at the residential rate not the non-residential rates.



This is only one of the myriad of complexities thrown up by the Stamp Duty Land Tax legislation and specialist legal advice is essential if you are to avoid the risk of penalties and interest.

Welcoming new members to our Litigation and Conveyancing teams

Shameem Ali – Civil Litigation Solicitor

Shameem Ali joined our Litigation and Dispute Resolution team in 2017. Having read Economics and Politics at Lancaster University she went on to complete her Graduate Diploma in Law and Legal Practice Course at the College of Law.



Shameem completed her training contract at a regional firm in the North West of England before moving to the South West to take up a position at PowellsLaw. During her time as a trainee she gained invaluable experience in litigation having acted for many of the major insurers in the UK Insurance industry.

Shameem deals with a wide range of commercial and general litigation matters including contract disputes, contentious probate, construction disputes, insolvency and bankruptcy, debt recovery, professional negligence and company and shareholder disputes.

Naomi Powell - Conveyancing Assistant

After working in a local firm of Solicitors many years ago, Naomi was completely astounded at how a good lawyer made such a difference to people's lives. Naomi decided this was what she wanted to do and began to study through CILEx. After 4 years as an Associate Naomi joined the Home Move team at PowellsLaw. Naomi is currently continuing her studies and looks to graduate with CILEx in 2019/2020.



In between work and studying, Naomi spends her spare time with family and friends. Her hobbies include cake making and decorating, walking, cycling and reading. She also enjoys watching films, eating out and visiting historical sites and cities.

Top Tips: Protecting Your Start-up Business



Taking care of the legal aspects of your business from the start leaves you free to concentrate on winning new customers and delivering what they need. You'll have the reassurance that there are no unforeseen legal issues lurking around the corner.

Here are our top tips for startup businesses:

1. Don't Put It Off

'Get the business off the ground and worry about the details later' is an attitude that causes serious problems for countless business owners and partners every year. Dealing with important business matters head on and early on will ensure that you are set up to push the business forwards.

2. Work out your terms and conditions BEFORE your first contract

It is easier to pursue payment when you have clear and legally enforceable terms and conditions. It will also help you to avoid contract disputes when expectations are clear.

3. Employment contracts protect everyone

Have a watertight and legally compliant contract of employment before you hire anyone. Employment tribunals can be complex and expensive if you do not have the right formalities in place from the start.

4. Partnerships don't always last

A robust partnership agreement will specify what will happen if one partner dies, wants to leave, or if things just don't work out. Protect your investment and your livelihood, ensuring that you have the right legal paperwork from the start.

5. Details matter for limited companies

The Memorandum and Articles of Association are important documents to get right – alongside the terms and conditions and employment contracts. If you are starting up a limited company it is important that the all details are correct and complete from the outset for the best chance of smooth running and less issues in the future.

6. Leave the 'boring' essential stuff to us

The PowellsLaw team makes everything simple with three levels of business start-up pack for: sole traders, partnerships and limited companies. For a fixed price these will get you up, running and protected with the minimum time and effort.

Community update

We are very pleased to be an active part of the community in Weston-super-Mare, sponsoring local charity events and swimming club. We also get involved in many other community and charity fundraising events.

We were very pleased to sponsor Weston super Mare Swimming Club at the recent Edinburgh International Meet, incorporating the British Championships held at the Royal Commonwealth Pool in Edinburgh on the 1st to the 4th March. Whilst the Club had more swimmers qualify for this event than in previous years, they then had to brave the extreme snow conditions to be able to attend. These championships are the pinnacle of swimming in Britain with the likes of Adam Peaty as well as teams from France Germany and Spain competing.

As well as the Club's elite swimmers, PowellsLaw also sponsor the Club's junior swimmers in their annual mini-series league. This is a team event held over five galas against several local clubs- the first of which was in January this year.



The Mini Series is aimed at 9 to 13-year olds and gives an opportunity for the newest swimmers to race in a relaxed and supportive team environment.

Our colleague Stacie Jay Godfrey is gearing up to run the London Marathon to raise money for Addaction- a charity that helps those struggling with alcohol, drugs and mental health. Stacie spent 6 months in our family department. During that time she represented a parent in care proceedings who received help from Addaction for his alcohol misuse. Stacie was inspired to raise £2,000 for the charity through organising quizzes, cake sales, a clothes swap and a race night. Stacie will be completing the Yeovil Half Marathon later this month as a 'warm up' and with only 6 weeks to go until the big day, the countdown is on!

Civil Litigation Landlord Seminar

Paul Addison and Sian Gale of our civil litigation department presented a seminar to a group of more than 20 landlords at the Imperial Hotel in Weston super Mare on 6th March. This was a CPD course for the National Landlords' Code of Excellence scheme. The theme of the seminar was the repossession of properties let under assured shorthold tenancies.



Paul and Sian discussed matters from the beginning of the tenancy, including the applicable statutory requirements relating to the protection of deposits and the provision of other information to tenants, through to the notice procedure and how to prepare and present a possession claim in the county court, up to the enforcement of possession orders.

For more information or advice on landlord and tenant issues please contact Paul Addison on **01934 637906** email addison@powellslaw.com or Sian Gale on **01934 637910** email sgale@powellslaw.com.

Stay Connected to PowellsLaw

The General Data Protection Regulations ('GDPR') come into effect on 25 May 2018. This regulation created by the European commissioners intends to strengthen and unify data protection for all individuals within the European Union (EU) and will replace the existing Data Protection Directive.

The aim is to strengthen laws on the protection of processing personal data by requiring companies who hold personal data to provide significantly more information about how and why personal data is processed.

Personal data examples can include your name, home address or an email address. Companies that hold this information will only be able to use your details for marketing promotions, services, deals and newsletters etc. if you have given explicit consent.

PowellsLaw take your privacy very seriously. We will never sell your personal information and will only use it to administer the matter we have in hand for you and to comply with legal and regulatory requirements. However, from time to time we would like to contact our clients with our popular free newsletter as well as details of other services we offer which may be of interest.

We are in the process of contacting our clients prior to the introduction of GDPR, asking for their specific consent to use their personal data to receive information from us.

If such consent is not received, unfortunately we are not able to contact you again unless you instruct us with a matter or you explicitly opt in again.

Please let us know if you would like to stay in touch by clicking the button below and completing the quick and simple form.

[Click here to keep in touch >](#)

For more information on GDPR please visit the News section of our website www.powellslaw.com/latest-news



www.powellslaw.com