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PowellsLaw 

Winter 2018

Holiday Leave: to Lose or Not to Lose



The Court of Justice of the European Union (CJEU) has given judgement in relation to 2 cases which have potentially important implications for workers and their right to carry forward annual leave into a new leave year.

Workers in the UK have an annual leave entitlement of 5.6 weeks, but the judgement relates only to the 4 weeks of annual leave which flow from the Working Time Directive and which is incorporated into UK law by the Working Time Regulations 1998.

The CJEU makes it clear that employers should ensure that workers are encouraged to take their annual leave and are aware that failing to do so within the relevant period may result in the loss of that leave.

The practical implication is that if a worker 'carries over' leave into a new leave year and his or her employment is then terminated, he or she may have a right to claim a payment in lieu of the untaken holiday entitlement if their rights have not been adequately explained to them.

The best advice is for employers to ensure that they have a clear holiday policy explaining the potential loss of untaken entitlement at the end of the holiday year. Some sort of central diary system which can send out reminders to workers well in advance of the leave year is also good practice.

In summary, to avoid the risk of potential claims by workers for untaken leave entitlement employers should inform workers, accurately and in good time, of the risk of losing that leave at the end of the leave year, if it has not been taken.

If you require more information regarding the matters covered by this article or in relation to employment law generally please contact Glyn Evans on **01934 637 911** or email evans@powellslaw.com.





House Purchases: Don't Get Caught Out by the Details

Every year, countless people end up in property disputes because they assumed that house purchases are always straightforward and are all pretty similar. If you believe that purchases are a routine matter, or that estate agents' details are the whole story, it's probably a logical next step to find the cheapest provider for your conveyancing, however there are risks.

Purchases are frequently far from straightforward. There can be details buried in deeds and characteristics of the property that can lead to problems, unless you have an appropriate professional with a keen eye for detail looking after your interests.

Rights of Way

You might assume that once you own the title to a property nobody can come onto your land without permission. In fact, there may be easements in place that give a neighbour the right to use your land for a specific purpose (such as maintaining a part of their property on your boundary). You might also need similar access to somebody else's property.

There may also be rights of way over your property - either public or restricted to neighbouring properties. Some of these can be ancient and, even if they are not currently used, can still be in force and could affect the value of your home.

Where electricity or telecoms infrastructure passes over your property there should be a wayleave agreement in place. The phone or electricity provider will pay you a fee in return for access to make repairs. Depending on the history of the land these are sometimes not in place and need to be resolved.

Restrictive covenants are another area where there may be legal curbs on what you can do with your property (such as running a business or creating a nuisance).

Boundaries

Boundary disputes can often become acrimonious and expensive. They arise when there is ambiguity about the exact positioning of a boundary on the deeds or, sometimes, conflicting information on the deeds of adjoining properties. The deeds should also specify which boundaries you will be responsible for maintaining, but often they don't make this clear. Asking the right questions before you sign the contract can save a lot of problems later.

Alterations and extensions made to the property also need to be examined carefully. As the new owner you may be liable for correcting (or sometimes demolishing) works that were carried out without obtaining the required building regulations or planning consents. Particular caution is needed with listed buildings and conservation areas.

Leasehold properties bring an additional element of risk. Ground rents and restrictions on what leaseholders are able to do with their properties can lead to nasty shocks for leasehold purchasers who didn't examine the detail.

Our experienced Property Team has encountered just about every type of complication there could be with a house purchase. There's probably nothing that would surprise us and our mission is to make certain there's nothing to surprise you either. Contact us today on **01934 623 501** to see how we can help.





SRA price transparency update

Under new regulations, the Solicitors' Regulation Authority now requires all registered law firms to provide clear and accurate information relating to the costs surrounding certain legal services they provide. The objective with these charges is to provide greater clarity for clients and to ensure they have the information they need to make an informed choice.

As a firm that has always adopted an open approach to pricing we welcome these changes and new charging information relating to Probate, Moving Home, Debt Collection, Employment and Licensing can be found on our [website](#). For more information or to request a quote, please contact us on **01934 623 501**.

Disputes: ADR & Mediation

We know that this time of year can be stressful for families – particularly if you are going through a separation. Alternative Dispute Resolution or Mediation can be a cheaper, less traumatic alternative to divorce without the expensive litigation process.

For a fixed fee of just **£100** plus VAT, we will provide you with a breakdown of the proceedings and key stages that are likely to occur in the mediation process. We will work with you to achieve the best possible outcome for everyone involved.

For more information, contact the Family Team on **01934 623 501** or visit our [website](#).





New newsletters coming in 2019

Make sure you keep an eye out on our website for our **brand new** Bitesize Business and Lease Insight newsletters coming next year.



We would like to extend our thanks to our clients for their custom this year and wish you a very Merry Christmas.
We look forward to working with you in 2019.



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