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Want to keep on top of legal changes which affect your business? Charles Lucas & Marshall has launched a series of Legal Practice Notes for clients who want to keep up to speed in the area of employment, corporate law, commercial property and landlord/tenant law.

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## RESIDENTIAL PROPERTY TEAM – MEETING MARKET NEEDS

There is no denying it has been a turbulent time for the housing market in the south of England ...and Charles Lucas & Marshall's Residential Property Team has quickly adapted to meet changing market conditions.

In line with national trends, the Team has reported an increase in transactions from spring last year with all the firm's four offices reporting an upswing in activity.

A significant ratio of work is still emanating from London and where new work is the result of recommendations from clients, agents and brokers.

The Team is also developing into niche areas, particularly shared ownership schemes, that area housing associations are keen to develop into with significant ratios of new developments allocated to community housing.

"We have a lot of expertise in this area and have been invited by local authorities

to attend seminars and home-buyers' days so we can explain the legal process to prospective purchasers," says Jackie Waller, of Charles Lucas & Marshall's Residential Property Team.

For many years, Charles Lucas & Marshall has been one of the leading legal advisors on shared ownership schemes which enable people with learning disabilities to move into their own property and live independently.

This is a growing national trend and the firm is advising clients all over the UK. Again growth has come through recommendations. As well as continuing to advise on schemes established over ten years ago, the firm is invariably the first choice of mortgage brokers and housing associations setting up new schemes for people with learning disabilities.

"We get a lot of great feedback from families who are benefiting from this type

of housing," says Jackie Waller, who is based in the firm's Wantage office. "It is really changing people's lives."

The firm's Residential Property Team is headed up by Simon Pook and Peter Graham and includes Jackie Waller, Debbie Wason, Lyn Dobie and Jas Chahal.

Simon Pook said "One of the outcomes of the changing market conditions is that estate agents are expecting greater quality from the legal process and tending to steer clear of the so called conveyancing factories that sprang up at the height of the housing boom."

"Clients have also become more discerning on price and service," he said. "With technology being what it is, clients have a right to expect same day responses."

"The market has gone through an upheaval in the last two years, but we as a Team, have managed to sustain a steady stream of work, mainly through referrals from existing clients, professional contacts and diversification into new areas."



Debbie Wason



Jackie Waller



Lyn Dobie



Peter Graham



Simon Pook



Jas Chahal

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## NEW APPOINTMENTS



Solicitor, Tom Walker has been made an Associate. He joined the firm after completing a Degree in History and Politics at Sheffield University and a law conversion course at Bristol.

After qualifying as a solicitor, Tom opted to work within the firm's Corporate Services Team, specialising in company sales and acquisitions as well as commercial contracts.



Charles Lucas & Marshall have appointed James Woodhouse to its Commercial Litigation and Employment Teams.

James joined the firm two years ago as a trainee after completing a History Degree at Oxford Brookes University and a legal practice course in Guildford.

Before joining Charles Lucas & Marshall he spent several years at a large communications company in their insurance and risk management department.

He has now completed his legal training and qualified as a solicitor, opting to specialise in commercial litigation and employment work, focusing specifically on property and contractual disputes.



Jas Chahal has joined the Residential Property Team at our Swindon Office.

Jas has worked in the Swindon property market for 13 years and was latterly with Lemon & Co.

Although Jas will be based at the firm's Swindon office she will also handle client work across Charles Lucas & Marshall's four offices in Berkshire, Oxfordshire and Wiltshire.

# PRE-NUPTIAL AGREEMENTS ON RISE AS PARENTS SEEK TO PROTECT FAMILY FORTUNES

Increasing numbers of parents are questioning their children's choice of life-partner and insisting their children sign pre-nuptial agreements.

Their determination to protect the family assets has also been given a massive boost by a Court of Appeal judgement which means those agreements are now much more likely to stand.

Lyn Ellins, a specialist family lawyer at Charles Lucas & Marshall, says the trend is partly because more parents are helping newly-weds with the purchase of their first home by paying some or part of the deposit.

The legal status of pre-nuptial agreements has also been given a further boost by the decision in the case of Radmacher versus Granatino which centred on an agreement signed by the couple before they married.

Ms Radmacher is said to be one of Germany's richest women, with a fortune of £100m. At the time of the marriage Mr Granatino was a well-paid banker but he gave up that career to become an academic research chemist at Oxford with a comparatively modest salary. Ms Radmacher was encouraged by her father, who wanted to protect the family fortune from gold-diggers, to have a pre-nuptial agreement drawn up.

Initially, the judge held that the terms of the pre-nuptial agreement should be over-ridden and awarded Mr Granatino over £5m in his own right but the Court of Appeal has now overturned that judgment.

"The importance of this ruling is that the court recognised for the first time that pre-nuptial agreements could be effective under the law of England and Wales," says Lyn Ellins. "If children divorce, there is a risk that parents will not get their money back. A properly drawn up pre-nuptial agreement can ring-fence parents' contributions - although there are certain essential requirements needed to make it legally enforceable."

Lyn Ellins confirmed that it tended to be clients whose daughters were getting married who were more likely to insist on pre-nuptial agreements.

"With houses prices in the south east being what they are and divorce rates still high, parents want to protect their hard-earned wealth and their children's interests," she said.

Contact Lyn Ellins on 01793 511055 or [lyn.ellins@clmlaw.co.uk](mailto:lyn.ellins@clmlaw.co.uk)



## COMMERCIAL PROPERTY TEAM ADVISE ON PUB DEALS

Charles Lucas & Marshall's Commercial Property Team has been involved in a series of high profile transactions within the licensing trade.

In the first deal, London landmark pub, 'The Pride of Paddington', a stone's throw from Paddington Station and a regular watering hole for rail travellers and commuters, was acquired by pub entrepreneur, Will Clayton.

Charles Lucas & Marshall solicitors, Julie Lloyd and Peter Billyard provided commercial property and corporate legal support to Mr Clayton, orchestrating the transfer of control of the company, from leaseholders, Gresham Inns.

They also advised on negotiations with the pub's licensee, Scottish & Newcastle.

Julie Lloyd is continuing to use her vast experience in the catering and hotel business to great effect and has completed a series of transactions on behalf of new licensees.

Julie has advised Swindon licensee, Martina and Andy McCann in their negotiations with brewery, Punch Taverns, enabling them to secure the lease on The Castle Hotel, Old Town, Swindon. While in Cold Ash, near Thatcham, Julie has provided legal support to villagers, Stewart Luker, Nicola Moth-Burn and

Joanne Hales who have acquired the lease on their local, The Spotted Dog, on a non-tied basis.

Julie has also completed the registration of the John O'Gaunt pub in Hungerford with the Land Registry. Registration will give the pub, which falls within the Town and Manor of Hungerford – and whose land has been unregistered for centuries – greater legal protection in the event of future legal disputes.

Contact Julie Lloyd on 01793 511055 or [julie.lloyd@clmlaw.co.uk](mailto:julie.lloyd@clmlaw.co.uk)

# INDUSTRIAL DEAFNESS CLAIMS – ACT FAST

Workers who have spent long periods in noisy environments and who are suffering hearing loss as a result of their job need to act more quickly to claim compensation.

Solicitor, Brigitte Chandler, a specialist in industrial disease law with Charles Lucas & Marshall says workers should act quickly due to the courts' changing attitudes towards claims.

"Courts are now expecting claims for hearing loss to be made within a maximum of three years from workers leaving their employment," she said. "Until recently, workers could make a claim up to three years from when their hearing loss was detected by their GP.

"My advice to anyone who believes their deafness is the result of their job is, not to delay.

It is relatively straightforward for doctors to establish if hearing loss is connected to the nature of work.

Working environments such as paper mills, car manufacturing plants, the railways and any place of work involving heavy machinery have all been shown to bring about industrial deafness.

"Some GPs do not know how to detect this type of deafness so they should ask to see a specialist doctor who will carry out an audiogram," she added.

A ski-slope pattern produced in the audiogram will show if their hearing loss is due to excessive noise in their employment.

Compensation for deafness claims can range from £5k - £30k. People who are deaf may also face difficulty in the labour market and the courts can award compensation for this.

For further information contact Brigitte Chandler on 01793 511055 or [brigitte.chandler@clmlaw.co.uk](mailto:brigitte.chandler@clmlaw.co.uk)



# OXFORD CONFERENCE DISCUSSES IMPACT OF BRAIN INJURY ON FAMILY LIFE

Litigation specialist, Michael Berrett, co-chaired a conference which brought together some of the UK's leading experts in neurological rehabilitation, occupational therapy and neuropsychology.

The meeting looked at the impact of brain injury on parents, spouses and children and proposed ways of helping families to cope.

Held at the Nuffield Orthopaedic Centre, Oxford, the conference included talks by family members affected by brain injury as well as speakers who have pioneered services to support affected families.

Michael Berrett is a specialist in brain injury litigation, Partner, Head of the firm's Litigation Team and a long-standing committee member

of Oxford's Headway group, a charity which specifically supports people with brain injuries and their families.

"When a brain injury occurs, the emotional impact on the family is traumatic," says Michael Berrett. "It can trigger a rollercoaster of upheaval and change. As well as the emotional challenges, families have to deal with a range of practical problems – notably employment and financial difficulties which can seem overwhelming at the time."

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# WILLS LEAVING BITTER LEGACY ... AS MORE FAMILIES DISPUTE THEIR INHERITANCE

Legal disputes over wills are on the rise as more families are prepared to go to court to wage war and claim their inheritance.

Simon Mee, a specialist in the Wills and Estate Planning Team at Charles Lucas & Marshall says the firm has seen a sharp increase in people seeking the best way of contesting a will.

"There are many reasons for this," says Simon Mee. "Disputes can arise because couples live together but don't get married. Quite often, the deceased has been married more than once, which may leave their will open to dispute by step children or children from previous marriages.

"We are also living longer and people tend to have more sizeable estates these days. In other words, there is more for people to go at."

The number of cases among warring families which had to be settled in the High Court last year rose to 228, compared to a mere 83 in 2006. However the number of wills which were legally disputed was far higher as wherever possible solicitors seek to settle the dispute before it reaches court.

"As we live longer, more people are challenging wills on the grounds of mental incapacity," said Simon Mee. "More people are also leaving their money to charities even when they have children – particularly if they haven't spoken to their children for years or their children have not provided support during their old age."

One of the biggest causes of contention is when the deceased has left their estate to a second wife and has not made any direct provision in his will for children from the first marriage.

"This can get very complicated," added Simon Mee. "But people are having fewer qualms about taking the matter to court if they feel they have been unfairly treated."

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## LANCE PARKER BECOMES CONSULTANT



Lance Parker is stepping down as a partner at Charles Lucas & Marshall after a career with the firm of some 30 years.

Lance will continue working with the firm as a part-time consultant and will remain Head of the firm's Corporate Services Team. He will also continue to serve

on the firm's management board and as Head of Finance.

"I am looking forward to my new role, in conjunction with my colleagues in our Corporate Services Team: Tom Walker and Peter Billyard in company and commercial and Andrew Egan and James Woodhouse in employment," he says. "I am confident that we will continue to provide our clients with an excellent service."

Lance joined Charles Lucas & Marshall in 1979 to develop its commercial litigation business. He became a partner two years later and in 1986 moved into corporate and commercial work where he developed a highly successful partnership with Stewart McMinn.

He intends to use his extra free time working in the voluntary sector, spending more time with his family and improving his golf handicap.

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## SUE MASON TAKES UP REGIONAL RESOLUTION ROLE



Sue Mason, a solicitor with Charles Lucas & Marshall's Family Team has been appointed secretary of Resolution for the Berkshire and Buckinghamshire region.

Resolution is a group of over 5,000 independent family lawyers who are

committed to easing the pain and financial cost of family breakdown.

Sue Mason's role involves welcoming new members, keeping members informed about local events and organising talks by district judges, barristers and other professionals such as financial advisers and pensions experts.

Resolution lawyers are family law specialists and follow a Code of Practice to encourage solutions

rather than confrontation in the event of family breakdown, taking into account the needs of the whole family and particularly children.

Charles Lucas & Marshall lawyers, Suzy Hamshaw and Lyn Ellins are also members of Resolution. For further information contact Sue Mason on 01635 521212 or [sue.mason@clmlaw.co.uk](mailto:sue.mason@clmlaw.co.uk)

## MULTIPLE SCLEROSIS CHARITY MOVES INTO NEW PREMISES



Charles Lucas & Marshall has provided legal advice to the Swindon Therapy Centre for Multiple Sclerosis as part of its move into new premises at Westmead Drive.

The Centre has taken over the first floor at Evolution House, where it can offer a greater range of physiotherapy services, including a hyperbaric chamber – a sealed, high pressure oxygen chamber which can alleviate the

symptoms of multiple sclerosis and help contain the condition.

Charles Lucas & Marshall partner, Hugh Ellins and solicitor, Julie Lloyd advised the Centre on both the funding under its charitable status and its lease on the new building.

The Centre still needs to generate a further £200,000 for equipment but believe the new premises will help fuel its fund-raising effort

by allowing groups with other neurological conditions to use the facilities.

"Charles Lucas & Marshall were incredibly generous with their time and expertise," said David Wray, Chairman of the MS Therapy Centre.

Contact Hugh Ellins and Julie Lloyd on 01793 511055 or [hugh.ellins@clmlaw.co.uk](mailto:hugh.ellins@clmlaw.co.uk) and [julie.lloyd@clmlaw.co.uk](mailto:julie.lloyd@clmlaw.co.uk).

## OH YES, WE DID

Charles Lucas & Marshall once again sponsored the Christmas Corn Exchange Pantomime, 'Puss in Boots'.

Charles Lucas & Marshall have supported the Corn Exchange for some years now. Hemant Amin, Head of Practice Development said, 'We decided two years ago to sponsor the Christmas show, 'Aladdin' in 2008/9. We are proud to support a community venue and show which has been a sell out!'



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