

LEGAL VOICE

DIVORCE: KNOW YOUR RIGHTS

**BEREAVEMENT DAMAGES SCHEME
EXTENDED**

THE IMPORTANCE OF WILLS





Hello

Welcome to the latest issue of Legal Voice

Without doubt, these past few months have been the most challenging times many of us have ever faced.

As a business, we were in the fortunate position of being able to switch to remote working for the majority of staff immediately following the lockdown announcement on 23 March, having been preparing for it for several weeks before that.

Thanks to our IT team and the flexibility of our staff, we have been able to continue to offer the service level our clients expect, although for safety, some aspects must now be delivered in a different way.

The coronavirus has been devastating to say the least. But it has also forced a slower pace of life for many and given us the time to try new things and to rise to new challenges.

It has also focused our attention on some inspirational people, such as Captain Tom Moore and on the amazing work of our NHS staff and other key workers who have kept most of us safe, to whom we will be forever grateful. Our thoughts are with all those affected by the virus, particularly those who have lost loved ones.

I hope you enjoy reading this issue and please remember, our friendly and expert team is on hand to help should you need assistance with any legal matter.



Don Bird
Senior Partner



Family

Divorce: make sure you know your rights

The lockdown has sadly taken its toll on many families. If your relationship has suffered and you have decided to divorce or end your civil partnership, make time to get to know your rights and what options you have before you take any action.

Many people focus on the marital home as their most valuable asset and overlook their pensions, yet these can be more valuable than the property. Within divorce and dissolution cases, the court has the power to take account of pensions and implement sharing by way of Pension Sharing Orders.

As far as property is concerned, where there are children involved, often one party will remain in the family home until the youngest child reaches 18, or until that party remarries.

In these cases, the court can make a deferred sale order. However, whilst the main focus is on the welfare of the children, the needs of both parties are looked at and met as far as possible. It is always preferable to achieve a "clean break" where possible.

There is a very wide discretion as to how property and financial matters are dealt with to meet the needs of both parties as far as possible.

When dividing assets the starting point is 50/50, but this can be departed from taking account of factors such as income, earning capacity, needs of the children or the parties and any other relevant considerations. Contributions can sometimes,



but by no means always be taken into account. For example, in the case of property deposits, if one party paid say £5,000 more than the other party 20 years ago, it is unlikely to make any difference, but in the case of a short marriage where one party paid say £100,000 more than the other party 2 years ago it could make an enormous difference.

Finances in divorce and dissolution are complex and should be discussed with a specialist lawyer before you commit yourself to any course of action.

If you would like to discuss your options and get clear and practical advice in complete confidence and without further obligation, contact our family law team on 01302 320621.

Children's law solicitor on hand

Meet Alison McLroy, one of our family solicitors specialising in children's law.

For many years, Alison has worked with families who have legal issues that involve children, including divorce, separation and care proceedings.

When she first qualified as a solicitor in 1996, Alison specialised in family and criminal law. She soon found that her real passion was for helping families, handling arrangements for children and childcare issues.



Alison believes in the importance of supporting children when their parent's divorce or separate. So much so, that she was involved in setting up a project that made sure the child's views were heard.

She can also draw on her extensive mediation experience. Alison has worked as a family mediator, an accredited mediator and has been involved in training and supervising other mediators. If you need Alison's help, please don't hesitate to contact us on 01302 320621.



Personal Injury

Cycling injuries

The rising number of accidents involving cyclist has led police to urge all road users to be more aware of each other and share the roads safely.

Cycling has become more popular over the last few years not just for recreation but for the daily commute. This has again increased dramatically in the present climate, where we are looking to avoid the use of public transport. There has been a visible increase in cycles using the road, from families and novice riders to the more experienced cyclist.

Sadly though, this has led to a rise in the number of accidents. Police report that crashes involving cycles have gone up almost 30 percent in some areas since the lockdown measures were introduced.

Bereavement damage scheme extended to cohabittees

Cohabiting couples are to be on an equal footing with married or civil partners when it comes to claiming compensation from the bereavement damages scheme.

As bizarre as it seems co-habiting couples regardless of how long they have lived together are not entitled to claim compensation if their partner dies through someone's negligence. Yet other couples who have been together even for a short time are eligible to claim the benefit under the Fatal Accidents Act 1976.

The change is due to come into effect in July 2020 and will enable cohabitants to claim providing they have lived together for at least two years.

For many years, personal injury lawyers have lobbied for bereavement damages to be increased. Although there was a recent increase from £12,980 to £15,120, this still does not adequately compensate for the loss. The amount payable in England is vastly different from that in Scotland, where there is no upper limit, instead, each case is determined individually.

Beware of cows!

Dog walkers are being warned to take extra care while out in the countryside where cattle are grazing, after an elderly man was killed by a herd of cows. The man and his wife, who was left badly bruised by the incident, were walking in the Yorkshire Dales near Ingleton when they were attacked.

The Ramblers Association warn that cows see dogs as a much greater threat than humans and will instinctively become more aggressive when protecting their calves. Sharon Woods of the Ramblers Association said: "spring and early summer are when cows feel more vulnerable to interlopers, but they can be spooked into reacting at any time of the year."

According to the Health and Safety Executive (HSE), cows have killed 77 people in the past 15 years. The majority of these were farm workers, but the rest were people walking their dogs on public footpaths or commonly used rights of way. As a precaution, the HSE has reissued guidance to farmers, advising them not to put cows and their calves in fields that are accessible by the public.

For details about how we can help with personal injury compensation claims visit our website.

Wills & Probate

Gain that all-important peace of mind with a will

It is estimated that around 30 million people in the UK do not have a will. One of the tragic things to come to the fore during the coronavirus pandemic is that many of those who passed away would not have had the opportunity to get their personal affairs in order.

More than half the adults in the UK do not have a valid will, as a result, many of those taken by Covid19 may have died intestate or may have left a will that was out of date or no longer reflected their current circumstances.

Making your will doesn't have to be a difficult process. In fact, many of our clients have said that making a will was much easier than they thought, and it gave them that all important sense of peace.

In a recent survey, 5.4 million adults said they didn't know where to start when it comes to making a will. If you are one of them, call and have a chat with our friendly team – you will be surprised how easy that first step can be.

Our professionally drafted wills start at just £135 – a small price for the peace of mind of knowing that your loved ones will be taken care of.

Protecting your assets

A discretionary trust is a legal arrangement used within a will to protect your assets by effectively ring fencing them. It can be used where a beneficiary is not capable or responsible enough to deal with the money themselves, either because of age or capacity. This makes it an ideal way to plan for the future needs of a grandchild.

How we can help

Katy Burgin, one of our specialist solicitors is a qualified member of the Society of Trust and Estate Practitioners and can offer specialised advice in respect of lasting powers of attorney, trusts and Court of Protection work.

If you would like to know more about any of these services, please call 01302 320621 or visit our website.

Property



On the move?

Buying a home is probably the most expensive purchase you will ever make. Whether you've already found your ideal property or just want an idea of costs before you decide to buy, you can get a free online quote from our website.

If you'd prefer a fully tailored quote, just give us a ring and we'll be happy to oblige. We guarantee that there will be absolutely no hidden extras.

Landlords

Electrical testing

From 1 July, landlords who take on new tenants must ensure that a qualified person has certified all the electrical fixtures and fittings in the property before the new tenancy starts.

Checks must be carried out in existing tenancies by April 2021. The checks must then be carried out every 5 years.

Whether you're expanding your portfolio or just setting out on the buy to let ladder, we can offer a tailored service that will ensure you comply with your legal obligations. Call 01302 320621 for details.





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A list of the members of the LLP is displayed at the above address, together with a list of those non-members who are designated as partners.