

Employment – Redundancy – Age Discrimination

It is important that employers ensure that their redundancy selection criteria do not breach the rules against age discrimination. Selecting someone for redundancy because he or she is the oldest (or youngest) would be direct discrimination. Operating a “last in, first out” policy could be indirect age discrimination if it disadvantages younger employees.

Unlike other types of discrimination, direct or indirect age discrimination may be justified if the discrimination is a “proportionate” means of achieving a legitimate aim. This can be a difficult definition to satisfy and the best advice is to avoid taking any age-related criteria into account in the redundancy process.



Marketing of Legal services – Beware the “Middle Man”

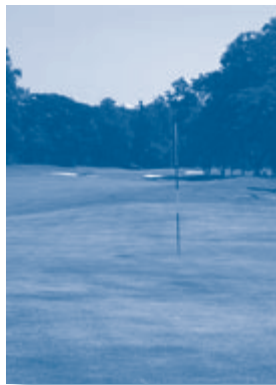
Until fairly recently, Solicitors were prohibited, in the public interest, from paying an introducer for referring clients to them. The prohibition has been removed, and the publicity surrounding the Legal Services Act 2007 has generated interest from non-lawyers in profiting from a referral service.

Daily newspapers, motoring organisations and even supermarkets may be advertising their ability to put clients in touch with a Solicitor – sometimes suggesting the Solicitor will be a specialist, or that they may charge less. They will be “selling” clients to Solicitors who have signed up with them and who are willing to pay them. The payment can be up to 15% of the fees you are charged.



If you want to use a local Solicitor of your own choice, whether one you know, one recommended to you, or one you find in Yellow Pages, you should simply contact them direct. As they will not have to pay an introducer, their charges are likely to be less.

Unincorporated Clubs and Associations



It is worth bearing in mind that the members of a club or other association which is not incorporated as a company or charity can be personally liable for any actions of the club carried out with their authority.

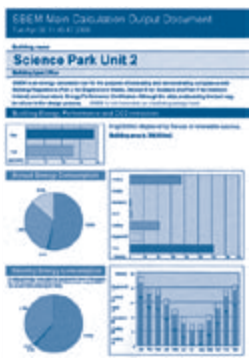
In a recent case, the Environment Agency prosecuted the officers of a golf club after an underground oil pipe was punctured by the club's contractors and oil leaked into a nearby watercourse. The offence carries a penalty of up to two years imprisonment or a fine. At the initial hearing the judge took the view that the individual members of the club could not be prosecuted in the absence of any personal culpability, but the Court of Appeal decided this was incorrect. Some clubs and associations may wish to consider incorporation to protect their members.

Stamp Duty Land Tax – Temporary Exemption

Properties costing more than £125,000 (residential) or £150,000 (non-residential) are liable to SDLT. Under the provisions recently announced by the Government, during the period up to 3rd September 2009, residential properties costing not more than £175,000 will be exempt from SDLT.

The relaxation applies only to residential properties, including a garden of normal size. There is no temporary relief for properties which are non-residential or only partly residential.





Commercial Property – Energy Performance Certificates (“EPCs”)

All commercial properties (except those having an area of less than 50 square metres) now need an EPC, whether they are being sold or let. If

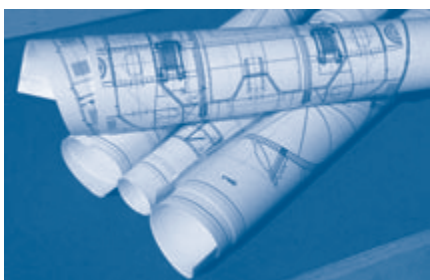
a property is being let, the Landlord must make an EPC available at the earliest opportunity, and no later than (a) when any written information about the building is provided to a prospective tenant (b) when a viewing is conducted, or (c) before entering into a contract or lease.

Planning – Permitted Development

There are now new types of “permitted development” for which it is not necessary to obtain planning permission.

These include:

- Single-storey ground floor rear extensions, subject to restrictions on size and height
- Most roof extensions or loft conversions (subject to size and design)



The construction of new drives and areas of hard standing which did not previously need planning permission do now need permission if the hard surface will cover more than 5 square metres and the surface is impermeable. This change results from concerns about flooding.

Unfair Contract Terms – “Consequential Loss”

Many standard form consumer contracts contain a statement that the supplier will not be liable for “consequential loss”. Under the Unfair Terms in Consumer Contracts Regulations, businesses have to ensure that any standard form consumer contract is written in “plain and intelligible language”. The Financial Services Authority has decided



that as the technical meaning of the expression “consequential loss” is probably unknown to most consumers, it may not be “plain and intelligible”, and should not be used without a clear explanation of what it means.

The exclusion of “consequential loss” may be considered unfair in a consumer contract, and therefore not binding on the consumer.

The Pre-Budget Statement – Business Rates on empty properties

There have recently been reports in the media of owners of empty commercial buildings demolishing them to avoid having to pay full business rates. In his Pre-Budget Statement the Chancellor announced that for 2009/10 any empty commercial premises with a rateable value of less than £15,000 will be exempt from business rates.



Land Registry – first registration

The Land Registry is continuing to encourage the owners of properties with unregistered titles to apply voluntarily for registration. Registration is compulsory on any change of ownership, or on creation of a mortgage, but the Registry have for some time been reducing their fees by 25% where an owner voluntarily applies for first registration. In addition, we have now entered into an arrangement with Gloucester Land Registry, under which their requirements as to the preparation of the application are relaxed, reducing our work and, consequently our costs. There can be advantages in registration, particularly for the owners of larger areas of land, and registration can make the sale of any property simpler. If you might want to register the title to your property, please contact one of the property lawyers at either of our offices.



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