

“Door-Step Selling” – New Regulations

Since October 2008 new regulations have been in force giving consumers the right to cancel an order for goods purchased as a result of a solicited or unsolicited visit. The previous regulations applied only to purchases resulting from an unsolicited visit.

The regulations apply to sales for more than £35. The seller must give notice of the right to cancel, and the buyer has a 7-day cooling off period during which the agreement can be cancelled by giving written notice to the seller. The seller can still seek immediate payment (e.g. of a deposit), but must give the buyer notice of the right to cancel. The regulations are likely to be relevant to those receiving home visits for the sale of driveways, replacement windows, etc.



Employment – Redundancy – Internal Vacancies



An employee at risk of redundancy must be offered any “suitable alternative employment”. If there is an internal vacancy in the business, the employee should not be asked to compete for that job with other employees who are not at risk of redundancy. Any suitable employment within the employer’s business must first be offered to the employee who is at risk of redundancy, even if there is a better candidate for the job. To require the employee to compete for the job might well make any dismissal unfair.

If an employee is at risk of redundancy while on maternity leave, she has special protection rights, which give her the automatic right to be offered any vacancy which is suitable and appropriate. In effect she has greater rights than other redundant employees.

Employers who have to consider redundancies should seek advice at an early stage. The rules and procedures are complex, and an error could result in an unfair dismissal claim.

Business Rates – Empty Property

Currently there is only a 3-month business rates “holiday” for vacant office or retail premises, and a 6-month holiday for vacant industrial premises. After that, full rates are payable. There is a temporary exemption for the year 2009-10 for properties with a rateable value of less than £15,000. In the case of more valuable properties:

- Short-term lets may be an option. If the premises are let for six weeks or more, there will be further “holiday” when they again become vacant – and this procedure can be carried out repeatedly
- Landlords will want to consider the business rates implications of taking back possession of premises on the surrender or forfeiture of a lease, particularly where there is little prospect of re-letting.



Intestacy – Statutory Legacies

From February 2009, the statutory legacy payable to the spouse or civil partner of someone who dies without leaving a Will has been increased. Where the intestate dies leaving a spouse and children, the spouse’s legacy will be £250,000 (increased from £125,000). Where there are no children, but the intestate is survived by a spouse and parents or siblings, the spouse’s legacy will be £450,000 (formerly £250,000).



Despite these increases, it is still advisable to make a Will.



Compulsory Maternity Leave

Publicity was given to the French minister who returned to work only 5 days after giving birth to her child. Under UK law, there is a compulsory period of maternity leave lasting two weeks from the birth. An employer would commit a criminal offence in allowing an employee to return to work within that

Home Information Packs (“HIPs”) – First Day Marketing

When HIPs were introduced, a concession was made by the Government so that the marketing of a home could commence if the HIP had been ordered.



This concession has now been withdrawn. From 6th April the HIP must be available before marketing starts. In addition to the searches and other documents previously required, the HIP must now include a Property Information Questionnaire completed by the Seller. It is important that the information given in the Questionnaire is accurate, and Sellers may well wish to check the replies with their Solicitor.

To avoid delays, if you decide to sell your property, you should contact us at the start, so that we can arrange for the HIP to be available by the time your Agent is ready to start marketing.

Divorce – copying digital documents

In the electronic age, it might be tempting for one spouse to secretly copy or attempt to access digital documents, for use as evidence in a financial claim in divorce proceedings.



Under the Computer Misuse Act, it is an offence

- To cause a computer to perform any function with intent to secure access to any program or data held on any computer, if
- The intended access is unauthorised, and

- The person causing the computer to perform the function knows they are not authorised to do so

In addition, no information obtained unlawfully can be used in connection with any legal proceedings.

Gas Safety Regulations



From 1st April the former CORGI scheme has ended, and only a fitter on the “Gas Safe Register” can carry out approved gas work (e.g. installing a boiler, safety inspections etc). Any contractor carrying out this work after 1st April must be properly registered under the new scheme.

Landlords of residential properties are reminded that they are required to ensure that gas appliances are checked every 12 months by a contractor who is on the Gas Safety Register, and to keep detailed records.

Wills – Secure Storage

It is important that your Will is kept in a safe place (e.g. held by your Bank or Solicitor) – particularly if your immediate relatives may not agree with its contents. It is advisable as well to make sure your Executors know where it can be found after your death.

In a recent case, the widow and daughter of someone who had died issued proceedings against two charities who were claiming that he had left a Will and they were the beneficiaries.



The widow had lived apart from her husband for many years, and the daughter had had little contact with him. The daughter alleged that her father had not left a Will, and that she and her mother were entitled to his estate under the Intestacy Rules. The court found in favour of the charity beneficiaries, on the basis of evidence from two neighbours that they had seen a Will when they helped the daughter sort through her father’s papers, and from a retired Solicitor that she had prepared a Will in 1974. Probate was granted of a reconstituted Will based on the evidence of its contents given by the neighbours and retired Solicitor.

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