

# Client Newsletter

## Lasting Powers of Attorney fees to be refunded



The Office of the Public Guardian has announced that everyone who registered a Lasting Power of Attorney or an Enduring Power of Attorney between 1 April 2013 and 31 March 2017 is entitled to a partial refund of registration fees paid at the time. This is because as the OPG became more efficient, it did not reduce its registration costs in line with this, and therefore built up a surplus of registration monies.

There is a quick online form that can either be filled in by the Donor or by one Attorney. The form can be found by clicking on this link [www.gov.uk/power-of-attorney-refund](http://www.gov.uk/power-of-attorney-refund) and following the green button "Claim a refund online". A refund can be claimed even if the Donor has died. The refund will be processed directly back into the Donor's bank account and will range between £34 and £54 per power, depending on when the document was registered.

## Moore & Tibbits secure Conveyancing Quality Scheme for another year



We are proud to announce that we have once again secured membership to the Law Society's Conveyancing Quality Scheme (CQS) - the mark of excellence for the home buying process.

The CQS status signifies that our firm continually meets high standards in the residential conveyancing process and also establishes a level of credibility for regulators, lenders, insurers and consumers.

With so many different businesses offering conveyancing services, the CQS accreditation provides home-buyers and sellers with peace of mind that we can provide high standards and reliable, efficient levels of service.

## Congratulations to our Residential Conveyancing team!!

Christopher Houghton | Managing Director says:

**“We are delighted to have achieved another year of being accredited with the Law Society's Conveyancing Quality Scheme. This accolade highlights our continuing high-quality service to our clients and I am extremely proud of the conveyancing team at Moore & Tibbits.”**

The Scheme requires practices to undergo a strict assessment, compulsory training, random audits and annual reviews to ensure that members can provide high professional expertise and good practice management. It is only open to members of the Law Society who meet the demanding standards set by the Law Society.

If you have any queries regarding Residential Conveyancing, please call our team on **01926 491181**.

To sign up to receive our free legal updates and newsletter or to opt out, please email [esmeh@moore-tibbits.co.uk](mailto:esmeh@moore-tibbits.co.uk)



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## Top Tips to take when looking for a new commercial property

At Moore & Tibbits, we understand that moving premises can be a stressful and daunting task for SMEs, so we've created some top tips on what to consider when going through this process...

- **Know what you want:** Think about what you really want out of your workspace before you start looking for a property - be it location, price or space - and draw up a list in priority order. This will enable you to be more efficient on your search and better negotiate the terms of your occupancy.
- **Negotiate rent terms:** Some landlords are willing to compromise on rent to secure a new tenant, especially if the building has been empty for a while or is in a less desirable postcode. Take this opportunity to negotiate a reduced rent or to limit any increase at your rent review. If your landlord is not willing to budge on this, request a rent-free period at the start of the lease. This will allow your business to settle in and fit out and will relieve your landlord of having to pay business rates on an empty property.
- **Flexibility is key:** The standard length of a commercial lease is between 5-10 years; if you think this is too long, you should try to negotiate a break clause. This will give your business the flexibility to be able to grow, restructure or relocate if needed.
- **Request lease renewal:** Many leases give you the right to renew, but you will need to stipulate this during negotiations. If your landlord is refusing to renew your lease, you should take legal advice.
- **Be clear on what you are paying for:** Make sure you are clear on what costs are included in your lease and when payment is due. Try to steer away from committing to repair works as this can end up costing money in the long run. Likewise, if the property is not in good condition when you move in, make sure you record its state in a schedule of condition so you are not liable for repairs when you leave. You should also take business rates into consideration when you are calculating costs, as you will be required to pay them and they can be very expensive.
- **Get a second opinion:** It's worth instructing a good professional team which is made up of a surveyor and a solicitor to give you practical advice along the way and help speed up the process. Investing in an electrical survey or asbestos report from the outset can also protect you from significant risks and will improve your bargaining power in the future.
- **Check planning permission:** Make sure to confirm the premises have the right category of planning permission for what you want to use it for. If in doubt, a solicitor will be able to check this as part of the routine searches involved in the commercial property conveyancing process.
- **Read the small print:** Always check your lease thoroughly before signing anything, or better still get a professional to read this for you. This will ensure you avoid any pitfalls such as being liable for expensive repairs or getting trapped in an inflexible agreement.
- **Checking existing exit terms:** If you are planning on relocating, make sure you check the exit terms on this property, such as what notice you need to give and what you need to do before you leave. You should carefully plan and co-ordinate one move to another to avoid paying additional costs.

If you have any query regarding commercial property, please call James Williams on **01926 491181** or email [JamesW@moore-tibbits.co.uk](mailto:JamesW@moore-tibbits.co.uk)

# Returning from maternity leave are you still entitled to the same job?

All pregnant employees are entitled to take up to 26 weeks of Ordinary Maternity Leave and up to 26 weeks of Additional Maternity Leave, which makes a total of 52 weeks. Every pregnant employee has this statutory right regardless of the number of hours worked or length of service.

While Ordinary Maternity Leave can start at any time after the beginning of the eleventh week before an employee's expected week of childbirth, the right to Additional Maternity Leave can only be exercised once Ordinary Maternity Leave has finished, i.e. on the day following the end of Ordinary Maternity Leave.

## Returning from Ordinary Maternity Leave

If an employee decides not to exercise her right to take an additional maternity leave and returns to work after the expiry of 26 weeks, she will have the right to return to exactly the same job that she was doing before she left.

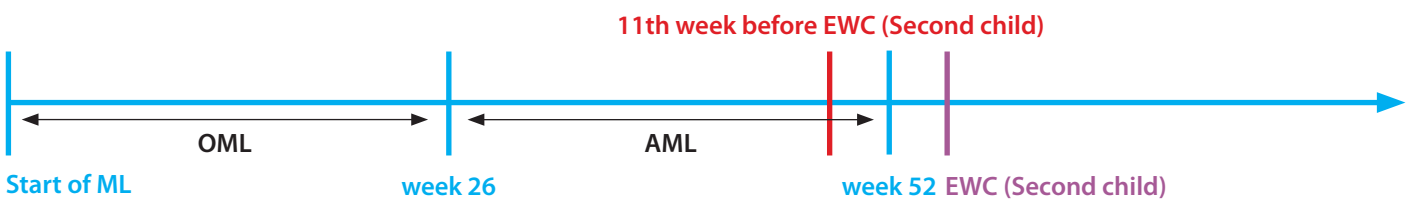
## Returning from Additional Maternity Leave

After returning from additional maternity leave an employee has the right to return to her original job role unless an employer can demonstrate that this is no longer reasonably practicable. In such cases, an employee is entitled to return to another suitable job and on terms that are no less favourable.

## Right to return to work after consecutive pregnancies

Sometimes it happens that an employee becomes pregnant while she is still on her maternity leave. In such case, two different situations can occur:

**Situation 1 - The beginning of the eleventh week before the week when the new baby is due falls into a period of the original maternity leave.**



In this situation a pregnant employee can go straight into a further period of maternity leave without a need to return to work in the meantime. This means that the additional maternity leave for the first pregnancy is immediately followed by a second period of Ordinary Maternity Leave. After the end of her second (consecutive) period of maternity leave an employee is entitled to her original job unless it is not reasonably practicable. In such a case she has the right to return to another suitable job, on terms that are no less favourable.

**Situation 2 - The first maternity leave ends before the start of the eleventh week before the week when the new baby is due.**



In this situation a pregnant employee is required to return back to work for the time between the two periods of her maternity leave. If a pregnant employee returns to work (even if it is for a short period of time or even for a single day) and then, after the birth of her second child, she decides to take Ordinary Maternity Leave only, she is entitled to return to the same job that she was doing before she left for her first maternity leave. This will not apply if an employee decides to exercise her right to take Additional Maternity Leave for her second pregnancy. In such a case she has the right to return to another suitable job on terms that are no less favourable, just exactly as she would in case of additional maternity leave during her first pregnancy.





# Specialist Care Team expands

## MEET SONAL

Sonal Lara joins Moore & Tibbits' specialist Health and Community Care Team. This specialist team is based in Warwick, but helps clients on a national basis. Sonal's expertise in Court of Protection matters relating to health and welfare is a huge asset to the multi-disciplinary team at Moore & Tibbits.

**Debbie Anderson**, Head of the Health and Community Care Team says:

“ We are delighted to have Sonal as part of our team. Her knowledge and expertise means that we can provide an all-encompassing service to clients who are navigating the nightmare that is the health and social care system. ”



Sonal has experience of dealing with disputes such as:

- Whether the appropriate level of social care is being provided to you or your family
- A person being placed in a care home a long distance away from family
- When contact has been purposefully stopped with a family member
- Whether a person has mental capacity to make decisions
- Deprivation of liberty authorisations
- Best interests disputes with the Local Authority or medical professionals

For further information or to speak to our Care Team contact **Debbie Anderson** on **01926 491181** or email **DebbieA@moore-tibbits.co.uk**

## Exam Success!

Congratulations to our Paralegal - Charlotte Bell who has been awarded the Herbert Willison Prize by the Birmingham Law Society.

Charlotte was nominated for the award by the student lead of the Graduate Diploma in Law (GDL) at The University of Law. The prize was awarded to Charlotte for achieving the most outstanding result, a distinction, in her Criminal Law exam in the GDL.

The award is part of the Birmingham Law Society's Annual Awards to students who have completed the GDL in 2017.

Charlotte was presented her award at the Birmingham Law Society's Annual General Meeting on the 24th April and starts her formal training to become a qualified solicitor with Moore & Tibbits in September 2018.



## Moore & Tibbits Solicitors



a member of  
QualitySolicitors

## Lexcel

Legal Practice Quality Mark  
Law Society Accredited



## Our free legal advice clinic in Atherstone has moved!

Our free legal advice clinic for the over 50s in Atherstone has moved to new premises.

Clinics provide advice on legal matters including:

- Wills and Lasting Powers of Attorney
- Social Care Assessments and care fees
- Entitlement to free NHS continuing healthcare funding
- Mental capacity and best interests
- Court of Protection applications

### Come and see us

#### When:

3rd Wednesday of every month  
10am - 12pm

#### Where:

One Stop Shop, North Warwickshire Borough Council, Council House, South Street, Atherstone, CV9 1DE

#### Call:

01926 458100 to make an appointment.

We offer a free consultation of 20 minutes. Wills and Lasting Powers of Attorney are offered at reduced rates for Age UK introductions. If further advice is required, we will provide you with clear fixed costs.



## Did you know?

All of our useful guides and top tips are available on our website?

Changing the way you look at lawyers.

☎ 01926 491181 ✉ email@moore-tibbits.co.uk 🌐 www.qualitysolicitors.com/moore-tibbits

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