

YOUR LOGO

NEWSLETTER FOR PRIVATE CLIENTS

SPRING 2022

WE'LL PUT THIS NEWSLETTER IN YOUR FIRM'S COLOURS

USE OF VIDEO- WITNESSED WILLS EXTENDED UNTIL 2024



The government is to allow vulnerable people to continue to be able to have their wills witnessed via video-link until 2024.

The move extends measures brought in because of the pandemic.

It's designed to help people who are forced to isolate either with Covid or from another vulnerability.

Ministers hope it will reassure all those who need to use this provision that their final wishes are legally recognised as witnesses previously had to be physically present.

To protect people against undue influence and fraud, two witnesses are still required,

and virtual witnessing is only recognised if the quality of the sound and video is sufficient to see and hear what is happening.

The extension will last until 31 January 2024 while the Law Commission considers potential reforms to the law around wills, including whether to make these changes permanent.

The government says the use of video technology should remain a last resort and people must continue to arrange physical witnessing of wills whenever it is safe to do so.

Wills witnessed through windows are already considered legitimate in case law as long as

there is clear sight of the person signing it.

Law Society president I. Stephanie Boyce said: "Solicitors have bent over backwards to ensure their clients have been able to make valid wills despite the restrictions imposed by the government during the pandemic.

"Those who have used video witnessing have told the Law Society it has been a useful option to have: to help vulnerable people set their affairs in order when making a will in the physical presence of witnesses is not possible."

Please contact us if you would like more information about the issues raised in this article or any aspect of wills and probate.

HUSBAND FORCED TO HONOUR DIVORCE SETTLEMENT WITH WIFE

The courts have taken firm action against a husband who failed to comply with the terms of his divorce settlement with his former wife.

The couple had been in a relationship for 17 years and had two children. The financial provision order had been made by consent in December 2018.

One of its provisions was that the husband would make a housing fund of £2,750,000 available to the wife for the purchase of a home.

He failed to provide the housing fund and also failed to pay other sums due under the order, which totalled £203,136 in addition to the housing fund.

In July 2019, the wife applied for



enforcement of the husband's obligations under the financial provision order.

However, she represented herself and submitted Form D11 instead of the correct form, D50K.

The judge deemed the enforcement application to have been made in Form D50K and varied the order to require the husband to make the fund available by 9

October 2021. At the same time, he made an ex parte (without the husband being present at the hearing) interim charging order against the husband's interest in a property.

The Court of Appeal upheld the judge's decision.

It held that the husband had already been given ample opportunity to file evidence. Nor had the judge been wrong to deem the wife's application to have been made in Form D50K. Her error was a very minor one and she had plainly been entitled to remedy it under the Family Procedure Rules 2010.

Please contact us if you would like advice about divorce issues or any aspect of family law.

KEY WORKERS AND LOCAL PEOPLE HELPED TO BUY HOME



The government scheme to help key workers and local first-time buyers on to the housing ladder has now got under way.

A nurse and a police officer from Derbyshire are among the first people to benefit.

The First Homes scheme offers homes at a discount of at least 30% of the market price to local first-time buyers and key workers – helping young people and families stay in the communities where they want to live and work.

A total of 1,500 First Homes will be built in over 100 locations across England by March 2023 following successful bidding by housebuilders.

The government has also published the prospectus for Help to Build, a £150 million scheme announced last April to make self and custom build housing a realistic and affordable option.

The prospectus outlines how the scheme works, so that those thinking about building their own homes but are held back by affordability, can plan their projects and apply when applications are open.

The self and custom build sector could deliver up to 40,000 new homes a year, providing opportunities for small building firms and creating jobs.

First Homes is currently in its pilot phase with several early delivery projects

supporting the roll-out of the scheme. The government estimated that at least 10,000 First Homes will be delivered across the country each year by 2027/28.

The Help to Build scheme will help people on to the housing ladder through lower deposit mortgages.

Lowering the required deposit will free up capital, so people can build the home they want and need whether it's a commissioned, made to order home or a new design from scratch. The scheme will provide an equity loan on the completed home, similar to the Help to Buy scheme.

Please contact us if you would like advice about the legal aspects of buying or selling a home.

LECTURER WHO WAS TOO LOUD WINS UNFAIR DISMISSAL CLAIM

A university lecturer was unfairly dismissed after she was accused of being 'unnaturally loud'.

The case involved Dr Annette Plaut, who was an experimental physics lecturer at the university of Exeter until she was fired in 2019. She had been at the university since 1990.

Her style involved leading many heated discussions which included expressive gestures, hand movements and some interruptions.

She said that her passionate personality came from her Eastern European Jewish heritage.

Dr Plaut's manner split opinion among senior members of the university. Some thought that despite being loud and argumentative during discussions, she was not unpleasant and was a valuable asset to the university.

Others didn't think she should be allowed to get away with her behaviour and regretted that she had done so for so long.

In 2019, Dr Plaut was accused of shouting at a student.

She was suspended and given a written warning that acknowledged that her loudness was unintentional, but the

university was concerned that she was unable to moderate it. She was dismissed later that year and took legal action against the university.

The Employment Tribunal ruled in her favour. It held that Dr Plaut had been subjected to victimisation and harassment, and the positive things she had done over many years had not been taken into account.

Compensation is set to be decided at a later hearing.

Please contact us for more information about the issues raised in this article or any aspect of employment law.

YOUR LOGO

YOUR SERVICES

MEET THE TEAM

Address, Your Road, Your Town, County AB12 3CD
T: 01234 756789 F: 01234 756780

www.yourwebsite.co.uk
E: info@yourfirm.co.uk

This newsletter is intended merely to alert readers to legal developments as they arise. The articles are not intended to be a definitive analysis of current law and professional legal advice should always be taken before pursuing any course of action.
Authorised and regulated by the Solicitors Regulation Authority