

WINTER 2014 / 2015

NEWSLETTER No. 13

## WELCOME TO OUR LATEST NEWSLETTER

### ROGER PETCH'S RETIREMENT

Roger joined the firm in June 1974 as an articled clerk, after he graduated from Sheffield University and had completed the Law Society examinations. He was admitted as a Solicitor in July 1976 and has been at Mackarness & Lunt throughout his career.

Although Roger has always dealt with property matters, for the first 25 years or so he mainly undertook Court work. This was primarily matrimonial and criminal. He always thoroughly enjoyed the criminal work. The paperwork was less, which was a bonus. At that time there were still Magistrates' Courts in Petersfield, Midhurst and Droxford. There was also a Petersfield County Court. He attended the last sitting at Petersfield Magistrates' Court on the day that it closed.

Roger was also a member of the Duty Solicitor rota in relation to criminal matters for many years. This involved numerous visits, mainly to Alton Police Station at unsocial hours but was quite rewarding. It also had its entertaining moments. On one occasion Roger took a call from the Police Station. They were holding someone who had been arrested for non-payment of a fine. He asked Roger if he would pay the fine, so that he could be released on the basis that he would pay it back the next day. Needless to say Roger declined.

Circumstances necessitated a move away from litigation and so Roger naturally fell into property work. The bulk of this is residential conveyancing and has been for the last 14 or 15 years. This has proved equally as challenging at times.

After he leaves the firm Roger intends to spend more time sailing, which is his main hobby. Foreign travel is also on the cards.

Roger retires knowing the firm is in good hands and that it will go from strength to strength, with the partners being very ably assisted by all the staff.

Roger said Mackarness & Lunt has always been a great place to work. It is a small friendly firm and the feedback from clients on a regular basis emphasises this. Providing legal advice is one thing but providing it in a way that meets the clients' needs is another. A recent testimonial says that what they like about Mackarness & Lunt is "the personal touch, the sense of humour, a genuine caring family concern".

## **CONTENTIOUS PROBATE**

Having studied for several years and having gained experience in an increasing number of probate matters, which have become contentious, we are pleased to confirm that Samantha Small has now been admitted as a full member of ACTAPS. ACTAPS is the Association of Contentious Trusts and Probate Specialists.

Therefore if you are concerned about the validity of a Will, concerned that an individual may not have been provided for in a Will, or indeed concerned that your own Will may be challenged by individuals who have not been provided for, please feel free to contact Samantha Small for advice on such issues.

## **CHANGING YOUR NAME**

There are several reasons why individuals may change their name throughout their lifetime, for example, getting married is the most common with the wife or civil partner taking the name of their husband/civil partner. Adoption can also be another reason why an individual takes on the name of a third party. However, there are many individuals who do not automatically have a right to change their name but may wish to do so.

With a child under the age of sixteen, it is important that all individuals with parental responsibility for that child agree to the change of name, or that an Order from the Court allowing the change of name is granted. This can often be the case for children who may have been born out of wedlock but when the parties marry they would like all individuals to have the same name, for example, the father's name was not given to the child at birth. This is very easy to achieve with all parties agreeing the name should be changed in these circumstances.

It is also possible where one party who has parental responsibility and has not been involved in a child's life for a significant period of time, for the parent with care to apply to the Court for an Order to change the child's name without the agreement of the absent parent.

In the circumstances of changing a child's name, the interest of the child is, of course, paramount and the older the child is (the closer to sixteen they are) the greater the weight should be given to the child's own wishes.

Over the age of sixteen it is possible for a child, whilst still a minor, to change their own name.

For Change of Name Deeds please contact: [samanthasmall@macklunt.co.uk](mailto:samanthasmall@macklunt.co.uk) or her secretary: [anncripps@macklunt.co.uk](mailto:anncripps@macklunt.co.uk) We are also able to supply certified copies to notify all banks, building societies, the DVLA, passport office etc.

## **CHANCELLOR'S AUTUMN STATEMENT**

The Autumn Statement which was released in December brought with it some interesting changes.

While for the most part the Inheritance Tax rules remain unchanged, there have been a couple of exemptions that have been extended. With effect from 3 December 2014, medals and other decorations awarded for valour or gallantry will be exempt from Inheritance Tax; this includes those awarded to the armed services, emergency services personnel and awards made by the Crown for achievements and service in public life.

Legislation will be introduced to extend the existing Inheritance Tax exemption for members of the armed forces, whose death is caused or hastened by injury, while on active service, to members of the emergency services or humanitarian aid workers responding to emergency circumstances. It will have effect for deaths on or after 19<sup>th</sup> March 2014.

While the earlier budgetary announcements focussed on ISA allowances, the government will introduce legislation to allow an additional ISA allowance for spouses or civil partners when an ISA saver dies, equal to the value of that saver's ISAs. This means that there will be the prospect of transferring an ISA, rather than the existing ISA benefits being lost immediately when the saver dies. Since it is the allowance that is transferable rather than the product, it would be possible to decide whether to retain an existing product or to use the allowance on new products. This applies to occasions where a spouse has died on or after the 3<sup>rd</sup> December 2014 and the allowance would be available to use from April 2015.

## **STAMP DUTY LAND TAX (SDLT)**

From 4<sup>th</sup> December 2014, SDLT for residential property is charged at different rates depending on the portion of the purchase price that falls within each band. There is no change to how SDLT is calculated on purchases of non-residential property, or on the rent payable when a new lease is granted.

The changes will apply for residential properties completed on or after 4<sup>th</sup> December 2014. Where contracts have been exchanged on or before 3<sup>rd</sup> December 2014, and the transaction is completed on 4<sup>th</sup> December or later, you can choose whether to use the old or the new rules.

Residential land or property SDLT rates and thresholds:

Purchase price of property	Rate of SDLT
Up to £125,000	Zero
Over £125,000 to £250,000	2%
Over £250,000 to £925,000	5%
Over £925,000 to £1.5 million	10%
Over £1.5 million	12%

## **RENT ARREARS**

New data from the National Housing Federation reveals that 31% of all private renters in Britain are struggling each month to pay for their home. It is also reported that there is a sum in the region of £800,000,000 in unpaid rent owed to landlords.

According to research from the National Landlord's Association (NLA) 32% of landlords say they have experienced rent arrears in the last twelve months. 22% of landlords in the UK are concerned their tenants will not be able to keep up with rental payments over the next twelve months.

This is a particular concern to landlords that rely upon the rental income to meet a buy to let mortgage. This will become even more important if interest rates rise and therefore the proportion of rent which is deemed as profit for the landlord is significantly eaten into by the rising mortgage repayments.

We can assist in serving the relevant notices on tenants who are in arrears with their rent or who are notoriously bad or late payers, either pursuing them for the outstanding sums, or seeking possession of the property back, where a tenant is not paying any rent at all and the landlord requires vacant possession of the property to install a fresh tenant, who would then be paying the relevant rental sum. For tenants that have vacated the property and for even those who have not provided a forwarding address, we would assist in locating these individuals and pursuing them for a monetary judgment (CCJ) for the outstanding sum. We can also provide for advice with regard to enforcing that outstanding sum against the individual.

**PROBATE – Public granted online access to wills database**

HM Courts & Tribunals Service has launched a searchable online database allowing the public to obtain copies of wills at £10 a time, within ten working days, without having to visit the probate registry. The database contains 41 million scanned documents, of which the original paper versions will be permanently preserved. For more information please follow the following website [www.gov.uk/wills-probate-inheritance/searching-for-probate-records](http://www.gov.uk/wills-probate-inheritance/searching-for-probate-records)

**OPERATION CHRISTMAS CHILD – Shoebox Appeal.**

We received 540 gift filled shoeboxes into the office for the 2014 season of Operation Christmas Child which is a fantastic effort from everyone. Almost 100 more than 2013!

Our boxes from the GU postcode area went to Zambia, Zimbabwe, Kyrgyzstan, Montenegro and Romania. In all, over 44,000 shoeboxes left from the Guildford depot. Further information is available at [www.operation-christmaschild.org.uk](http://www.operation-christmaschild.org.uk). Our Accounts Manager, Mrs Delia Cann, travelled to Romania in mid-December for a week to help distribute some of those boxes. As a member of a team of 12, she visited orphanages, schools, churches, homes and the group also gave out gift filled shoeboxes to homeless children on the streets. There were highs and lows, tears and laughter but memories forever. Thank you to all who have supported this charity.

**Disclaimer**

This newsletter has been prepared to highlight some key issues. It is intended to be for general guidance only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at January 2015 and may be affected by subsequent changes in the law. Additional information and updates are available from time to time on our [website](#).

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**I would be interested in future newsletters**

**Name** .....

**Address or e-mail address**.....

Return to: 16 High Street, Petersfield, Hampshire GU32 3JJ Tel No: 01730 265111  
(SRA Number: 58323)

If you do **NOT** wish to receive any further updates or communication from us, please notify Diane Anderson by [email](#) or phone on 01730 265111.