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Farewell John!



John Bayford

We are proud to congratulate John Bayford who retired from Harris Cartier in October. A retirement party was held at our offices in honour of his many years of service, with 120 of our staff wishing John all the best and thanking him for his commitment to the company.

John first joined Harris Cartier (or Harris Cartwright as we were then known) in 1960 as a trainee based at the practice in Church Street, Slough and qualified in 1965. Throughout the 1970s and 80s Harris Cartwright was lead by John along with his brother Graham.

In 1989 John briefly left the firm, but returned to HC where he remained for the rest of his working life as a Consultant for the residential conveyancing department.

Paul Norris, Chief Executive who has worked with John for over 27 years says: "John

Our New Office in Lincoln's Inn Fields

The continuing growth of the London office has necessitated our move to new premises at Queen's House, 55-56 Lincoln's Inn Fields over the weekend of 29/30th October. The move has taken us all the way from Lincoln's Inn to Lincoln's Inn Fields, a matter of 500 yards. However the new offices allow us much needed room to expand.

Since we started our association with Cartier &



Queens House

employed me all those years ago and he will be greatly missed. Over the years I have known him and he has provided support, counsel and most of all friendship." John said: "Working here was my life. I am very sad to be leaving."



Co. in 1999 our workload in London has steadily grown and we have to acknowledge Lawrence's part in helping us achieve this. As Cartier & Co. have moved with us and share our new offices, we will not lose Lawrence's help, and in fact the association will grow even closer.

John plans to spend his retirement working in his garden with his wife Janice.

Gardening vouchers and a case of fine wine were presented as a thank you gift for his loyal service to Harris Cartier over the years.

At the same time we have improved the communication link with our Slough offices. This, with the increase in numbers of our London team of commercial lawyers, will further improve the service we are currently giving our existing clients and let us take on new work that is constantly being offered.

An Armchair Ride? I don't think so!



HC Solicitor, Jake Cassidy (left), tells us about his inspirational experience when he spent a week on an activity course with members of BackUp, a charity that supports people with spinal injuries.

The week I spent 'buddying' with BackUp at the Calvert Trust, near Lake Bassenthwaite, was one of the most demanding and yet rewarding experiences of my life. The enthusiasm of everyone involved was so infectious that you couldn't help but put your all into every activity.

We began with a climb up Latrigg with the group to get to know one another. I was already learning very quickly about spinal injuries, particularly the difficulties of balancing. However, a good bit of team-work and some

skilful balancing saw us get back to the base in time for a very welcome lunch.

Then it was a day of kayaking and sailing. One team member opted to hop into a tandem with me. A brave move on his part as I had managed to sink a canoe when practising.

Tuesday was the day I had been dreading – abseiling! By the time we reached the top of the Cragg I could feel my stomach doing somersaults, our instructor, told me that all I had to do now was step off the cliff. I was quite clearly wavering so was given a 3-count. As I stepped off my heart hammered but the rest was a breeze as I eased myself down waving to onlookers and pretending I do this sort of

thing all the time.

The next day the group split between land yachting and a river trip, I opted for land yachting which turned out to be rather tame as the wind had died down by the time we reached the course. That evening we headed in Keswick. Where we found ourselves a good pub and settled in for the night

Luckily we didn't have to rise too early which gave us time to nurse our hangovers. We eventually left, taking a very gentle row across Bassenthwaite, unloading our gear and erecting our tents.

The evening activity involved us constructing a lighthouse out of some foil, a battery, a

bulb, a couple of paper clips and anything we could find in the woods. Our team's attempts were disastrous.

On the last day we had a get together so everyone could discuss what they felt they had got out of the week. The overwhelming response was that it had been enormous fun.

For a number of the chair users they had completed activities they hadn't thought possible, for the buddies we had been through a steep learning curve and came out with a much fuller understanding of what those in chairs can achieve rather than the restrictions placed upon them.

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HC Make a Splash at Charity Fundraiser

On the 15th September a team of sixteen employees from harris cartier participated in a dragon boat race in London's Docklands in aid of the charity BackUp.

Dragon boat racing is an ancient Chinese tradition dating back over two thousand years. There were sixteen rowers in each boat. We raced against various other corporate teams, which included KPMG. We won our heat but didn't win the overall race. However, a fantastic day was had by all

at the Watersports Centre in Docklands, which ended with live music and a BBQ on the shore.

The event raised an amazing £10,000.00 for charity. All the proceeds will help support the valuable work carried out by Back Up whose ethos is to enable people with spinal cord injury to surpass their own aspirations. BackUp are dedicated to providing opportunities for spinally injured individuals. They organise a range of activity courses and events, which



integrate spinally injured people and the able-bodied. The courses give people back the self belief, motivation and independence, which spinal cord injury takes away.

For more details of the excellent work carried out by BackUp please see their website at www.backuptrust.org.uk.

Pension simplification or complication?

There has been a considerable amount of column inches in the press recently devoted to the changes in pension legislation next year. This relates to what has become known as "Pension Simplification." This is due to happen on 6th April 2006 or "A Day". The real issue for most people is "What does it mean to me"?

Pension Simplification as a name is probably a bit of wishful thinking. There are many complex issues to be considered on most pensions between now and April. However, it has to be acknowledged that pensions taken out after that will be simpler.

Without getting into technical details, the main changes are as follows:

- Whereas now there are many different types of pension with different rules and regulations, after A Day there will only be one pension regime.
- The minimum retirement age will be 55, the maximum 75.
- Everybody will be allowed to contribute at least £3600 per annum into a pension with the maximum contribution being equal to their annual earnings, or £215,000 (this figure will increase annually) whichever is the lower.
- The maximum lifetime allowance will start at £1.5 million (this will increase in line with inflation). If one's

pension fund exceeds this at retirement. The excess will be taxed.

- The maximum tax-free cash allowable on retirement will be 25% of the fund.
- Annuity purchase is not necessary at 75. A type of drawdown that is called an Alternatively Secured Pension (ASP) can be taken out at that age. This will allow pensions to be left to beneficiaries but they will be potentially subject to Inheritance Tax.
- Carry Back and Carry Forward of contributions will cease.
- Fund borrowing will be limited to 50% of the fund.

Last minute changes

- A major U-turn has been announced concerning the types of investments permitted post-A day. The Government will remove the tax advantages for investing in residential property, or certain other assets such as fine wines, classic cars and antiques. These will become prohibited investments.

- The Government will also take action to stop the potential abuse of another anomaly of the pension tax simplification rules whereby an individual aged over 50 makes a single pension contribution after A-Day then immediately vests their benefits and takes 25% tax-free cash. They then invest the tax-free cash sum as a net pension contribution, vest the benefits and take tax-free cash.

This process is repeated. This strategy is intended to create artificially high amounts of tax relief via a circulation of monies.

It may be that your current pension offers more than the new Simplified Plan. There are ways of protecting these benefits that may be in excess of the new limits. In order to be certain whether this is either possible or advisable it is vital that your pension is reviewed. In short, the following action list needs to be addressed.

- Does my pension fund exceed the Lifetime Allowance, or is it likely to exceed it before I retire?
- Do I want to take advantage of Carry Back or Carry Forward?
- Does my current pension allow for a greater amount of tax-free cash than 25%, and can I benefit from increased funding before A Day?
- Do I want to acquire a commercial property before A Day using the current higher borrowing limits?
- Do I want to increase funding to an existing AVC to take advantage of 25% tax-free cash after A Day?

If you need any further information on your pension or the answer to any of these questions is "Yes", or even if you are not sure.

**Please call our
Financial Adviser on
01753 733169**

New Starters

In November, we welcomed **Elaine Gates** to Harris Cartier. Elaine has joined HC as an Associate and manages the Residential Conveyancing side of the Firm's Property Department and deals with all aspects of residential property for a wide range of clients. Her main areas of work include:

- Sales and purchases of freehold & leasehold property for individuals and companies
- Transfers of Equity and Re-mortgages
- Sales of part of land
- Declarations of Trust for joint ownership of land
- Repossession sales
- Plot sales and purchases
- Buy to Let Property purchases

Prior to joining Harris Cartier Elaine practised with regional players in both the West Country and Hampshire.



Elaine Gates

We are also pleased to welcome **Nina Gurney** to the practice. Nina joined us on 29th Sept 2005 in the Commercial Litigation team where she handles a mix of contentious employment and general litigation.

Before joining HC, Nina has worked in finance and banking litigation based in Jersey.

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Employment Update

By Raj Dhokia, Principal

The last few years has seen employment legislation – both statutory and case law – grow substantially and this trend will continue in 2006. For example, towards the end of this year legislation preventing age discrimination is scheduled to be implemented. This will be a significant piece of legislation since it is likely to apply to all employees – whether young, middle-aged or old. Employers will not be able to discriminate on the grounds of age unless they can objectively justify their actions. Employers who are found to have discriminated on the grounds of age are likely to find themselves at the wrong end of a compensation claim since an employee will be entitled

to claim unlimited amount of damages.

Should employers become disheartened with the growth in employer's legislation? In our view, they should not but instead engage in positive action by embracing the changes and adopting working practices so as to fit in with the legislation. Time and time again we find employers making fairly simple and elementary mistakes. These are costly not only in terms of management time but also in relation to both legal fees and compensation paid to an employee. Employers can avoid this by following some fairly basic steps and undertaking compliance. Here is a suggested checklist for employers to consider:

1. Strengthening recruitment processes:

- i. take up references;
- ii. check CV details, professional and academic qualifications;
- iii. carefully consider categories of unlawful discrimination – for example race, sex, disability, marital, ethnic, nationality, sexual orientation and religious belief (and age in 2006).

2. Put in place bespoke Contract of Employment and Staff Policies:

- i. significant number of employers still do not have a Contract of Employment in place and it is advisable to have specific Contracts drawn up for the business sector in which the employer operates;
- ii. need to provide a written Statement of Terms of Conditions of Employment within 2 months of commencement otherwise an employer could face a financial penalty in the Employment Tribunal;
- iii. provide an amended contract as employees progress through an organisation;
- iv. insert certain specific provisions for example restrictive covenants, garden leave, notice periods and intellectual property rights.

3. Deal with performance issues:

- Promptly;
- Effectively;
- Take advice early;
- Comply with the new statutory disciplinary and grievance procedure.

4. Be careful in inadvertently creating “disclosable” documents:

- Communication between HR and Managers is generally disclosable in legal proceedings;
- Emails and memorandums need to be carefully documented and not as follows: “He is useless but we must act now, sack him and pay later”

5. Be careful about “sham” redundancies:

- Employers should warn and consult in good time before making/deciding any redundancies;
- Consider alternative employment;
- Do not confuse “performance issues” in redundancies.

6. Statutory grievance and disciplinary procedures:

The new statutory disciplinary and grievance procedures must be followed by both Employers and Employees. Failure to do so will usually result in a finding of automatic unfair dismissal and a claim for punitive compensation by an employee.

7. Compromise Agreement

These should be considered at all times by Employers since it can be less costly and more effective in resolving disputes. Employers can overcome the complexities in employment legislation (together with the cost of getting it wrong) by acting and taking appropriate advice at an early stage.

We value our clients' opinions so tell us what you think of Legal-i. Please send your comments, opinions or suggestions to: Cheryl Hollick, Marketing Administrator at chollick@hclaw.co.uk

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