

## Welcome to the new Newsletter from Harris Cartier Solicitors



By Paul Norris, Chief Executive

I am truly very pleased to welcome you to this the first issue of Legal-i. We have worked very hard over the last few months on introducing our new name and on the transition from Partnership to Limited Liability Partnership (LLP).

For some years we have worked in association with Lawrence Cartier and his practice Cartier & Co from our London office in Lincoln's Inn. The change of name has recognised this joint venture and the greater level of service that we are able to provide from the heart of the country's legal establishment.

This evolution of our name recognises both our past and continuing strengths in our more traditional areas and our change to LLP is seen by us as a natural progression to a corporate structure which better reflects the business environment in which we operate.

Our personal injury and clinical negligence department continues to grow in stature and recognition within this sector of the industry. Our services have been required throughout the UK and we are happy to have been able to help families when they thought their case was hopeless.

The commercial department now operates from both London and Slough and maintains its high standard of service to businesses based in the local area and nationwide. We strive to provide both a personal and professional service, seeking at all times to provide solutions to our clients' needs which we hope sets us apart from much of our competition.

Private clients remain very important to us. So much so that we have expanded our service provided over the years to include wealth management and tax advice as well as the more traditional areas of conveyancing, wills, trusts, probate and family

matters.

Having this strength in depth will allow us to face the challenges of the future from a position where we can be confident that we will continue to deliver on our core values. We are passionate about our clients and our people and strive for excellence in everything we do.

Future issues of this newsletter will give you our views on current matters that we think will be of interest. We will endeavour to focus on key legal issues and changes that effect both our private and corporate clients alike. We will also seek to develop a stronger and less formal relationship with our clients to ensure that wherever possible we focus on your needs and concerns.

I welcome your comments and suggestions on Legal-i and if you feel that we can assist you in any way please do not hesitate to contact us on the contact details given. I hope that you will find Legal-i both interesting and informative.

### Inside this Issue...

New Principal

Clinical Negligence award

Advice from Financial Services

HC at Slough: Race for the future



Windsor Crown House

### A New Look...

In line with our change of name and the conversion to a Limited Liability Partnership, we are refurbishing our offices in Slough. Eventually both Windsor Crown House

and Marlborough House offices will be redesigned. We have made a start with our reception at Windsor Crown House.

# Private Client News



Ingrid Conner

We are pleased to announce that Ingrid Conner joined Harris Cartier LLP in April 2005 as Head of the Wills, Trust, Tax and Probate Department.

Ingrid works closely with her clients, assisting them to manage their financial affairs, offering advice on the preparation of Wills and

the drafting of Trusts for family provision and to mitigate tax. It is now, for example, very simple for a husband and wife with a combined estate of £550,000 to save £110,000 in Inheritance Tax with the simple implementation of Discretionary Will Trusts.

Making a Will gives you the opportunity to decide how you want your money, possessions and property to be divided after your death and to minimise the tax liabilities which your estate may incur on death.

Ingrid heads up a specialist Probate Team who can deal with the administration

of your estate in a sympathetic and professional manner.

With her background in Litigation, Ingrid is also able to assist clients with Contentious Probate, dealing with claims against the estate, relatives that feel they have not been adequately provided for under the deceased's Will, or where it is believed there has been maladministration of the deceased's affairs during their lifetime or after death.

Elderly people face the possibility of losing some mental capacity as they grow older. Illness or accident can have similar consequences at any age. It is possible to protect your family from the inconvenient and serious consequences of these situations by setting up an Enduring Power of

Attorney. Appointing an attorney to act on one's behalf in the event of serious mental incapacity is a very simple, convenient and inexpensive device.

As well as the law, Ingrid also has a background in Tax and assists clients on the consequences of any changes in family or business circumstances.

Ingrid is a member of The Law Society, The Bar Council of England and Wales, The Society of Trust and Estate Practitioners, The Alzheimers Societies Panel of Solicitors and The Cancer Research Free Will Service.

To make an appointment with Ingrid call 01753 734694 or email [iconner@hdaw.co.uk](mailto:iconner@hdaw.co.uk)

# The Cartier Connection



Lawrence Cartier

The development of Harris Cartier LLP is an exciting prospect for all concerned. When the proposal was made for Harris Cartwright to change its name to Harris Cartier LLP I agreed without hesitation. My association with the firm over the previous 4 years had demonstrated to me that we shared the same core values of professionalism and quality services for our clients.

Since 1988 I have chosen to practise as a Sole Practitioner under the name of Cartier & Co. For the last 10 years my offices have been in Lincoln's Inn, the centre of

"legal London" from where I have provided my clients with specialist advice over a wide range of disciplines including in particular corporate and commercial matters.

In recent years I have become increasingly involved for several of my clients, both locally and multijurisdictionally, in substantial high profile commercial litigation. As a result of the rapid growth of this side of my practice I recognised the need to expand the base of my practice to accommodate the growing needs of my clients. However, I have also always been conscious of the need to ensure that any expansion did not compromise the individuality of my own involvement in matters which have been fundamental to the notable successes which have been achieved.

In the year 2000 I met Paul Norris, the managing partner, and Stephen Fuller, the senior commercial partner, of Harris Cartwright (as the name was at the time). There was an immediate synergy of ideas and objectives. Each of us recognised that an

association between our respective firms would be mutually beneficial but would develop only if we created the environment for this to occur. Matters did develop so that in the year 2002 Stephen Fuller moved from Slough to London full time. Stephen and his team provided the ideal mix of legal knowledge, pragmatism and professionalism which my clients needed and appreciated. At the same time, when required, I have been able to provide my own specialist services to the clients of Harris Cartier.

As anticipated the association between our respective firms has been highly successful and the progress continues with the formation of Harris Cartier LLP. We both strive to give our clients a personal and friendly but highly professional service. We avoid problems whenever possible and, where they exist, do our best to solve them in a cost effective way.

The association has been beneficial not only for us but also, and most importantly, for our clients who have the benefit of the breadth and depth of the extended expertise available. As a result I believe the future is bright and may we long continue to provide to our clients the services they require with the commitment they need.

## Talking Principals



Greg Bee

We are pleased to announce that Greg Bee became a Principal of Harris Cartier LLP on 1st August 2005. Greg completed his training with us in August 1997 and since his qualification has specialised exclusively in personal injury work. Greg has assisted and continues with a number of catastrophic brain and spinal cord injury cases which Harris Cartier has dealt with over recent years, most notably *Bieseuevel v Birrell* [1000 PIQR Q68].

He also has his own complex and high value cases in the High Court and currently deals with a range of multi track and fast track matters including fatal accident claims. As a Principal he will also have a supervisory role in the personal injury department. Greg is a member of the Association of Personal Injury Lawyers (APIL) and the College of Personal Injury Law.

# Choosing the Right Business Vehicle: The Limited Liability Partnership

By Joanna Duncan,  
Commercial Solicitor

When embarking on a business venture, one of the principal considerations is the choice of business vehicle. Traditionally, commercial and tax planning advice has considered the private limited company and the partnership as the best options for small businesses.

However, the emergence of the Limited Liability Partnership Act 2000 created an alternative business entity called the Limited Liability Partnership or LLP. Although it was originally intended to benefit professional firms of lawyers and accountants, the strength of the LLP business vehicle has seen it become the favoured option for small and medium sized businesses throughout the wider business community.

In contrast to existing forms of partnership, the LLP is a separate legal entity and operates the liability of a private company. Members act as partnership agents so obligations accrue in the name of the LLP rather than the joint names of its individual members. The only personal liability that attaches to the members is in respect of either their predetermined contribution to partnership funds should the LLP be dissolved or wound up, or to third parties for any act of negligence or wrongdoing (members are advised to hold Professional Indemnity Insurance to cover such an eventuality).

The LLP also offers businesses corporate status, which brings added credibility amongst customers and suppliers. LLPs can

find it easier to borrow from Banks due to their ability to give floating charges over assets – something ordinary partnerships cannot do and an additional advantage is that LLPs will be taxed as partnerships not as companies. Profits and losses will flow through the members themselves rather than corporation tax being levied on the corporation's entire income and capital gains.

Factor in the flexibility to operate day to day like an ordinary partnership and it's clear that the LLP becomes a serious proposition for the smaller business. The strict rules concerning share capital, management meetings, and resolutions, which govern limited companies, do not apply. These are the matters for private agreement, usually

formalised in a written LLP agreement. This relative simplicity of operation makes the LLP a lower cost option than the limited company.

However, the LLP model does impose certain requirements. Personal guarantees from LLP members are often required, just as they are often required from directors of limited companies. And as with limited companies, LLPs have to make their annual accounts public by filing them at Companies House, which can be a time consuming and expensive task. But when set against the myriad benefits, these requirements are of slight concern. LLP status clearly offers substantial and attractive commercial benefits to the small and medium business.

## Harris Cartier Line up on the Grid with Ferrari Maserati



On 15th June, Harris Cartier entered a team in a karting day run by Ferrari Maserati UK Ltd called Slough: Race for the Future. It was a day designed to get some of the major corporate names from Slough together in order to promote Slough as a place for business. So Harris Cartier lined up with Slough Estates, Glaxo Smith Kline, Black & Decker, LG Electronics, O2 and Mastercard among others to contest a karting trophy.

Chief Executive Paul Norris

lead the team supported by Dean Nicholls (Principal) and Gavin Reid (IT Manager). Unsurprisingly Ferrari, with their team of test drivers, won the trophy but Harris Cartier finished in the top half and were determined to improve their performance next time.

The day was fun and provided an occasion for local businesses to come together and chat about areas of common interest. However the day was promoting a more serious message. If businesses like these chose to work in Slough, it must be doing something right and perhaps the media image of the town is all wrong.

## More Competition Law Fines

### Scottish roofing contractors fined for collusive bidding

In July six roofing contractors were found to have agreed to fix the prices of flat roofing services in Western-Central Scotland through collusive tendering. They have been fined almost £260,000 in total (reduced to about £138,000 by leniency) by the Office of Fair Trading.

All local businesses ought to be aware that they are not allowed to fix prices or agree bids between them. It can be sensible to have a competition law compliance programme in place which we can draft for you so all staff know what they can and cannot do. This helps avoid 10% of turnover fines which the OFT has powers to level. In addition in July the OFT announced that it had searched the premises of 22 companies in Notting-

hamshire, Leicestershire, Derbyshire and South Yorkshire under warrant as part of an investigation into allegations of collusive tendering for public and private contracts in the construction industry between 2000 and 2005. The investigation is currently being conducted under the OFT's civil powers under the Competition Act 1998. However, the OFT does not rule out the possibility that the investigation may uncover some behaviors in breach of the criminal cartel offence under section 188 of the Enterprise Act 2002.

If you would like advice on what you can and cannot do in this area, contact Raj Dhokia on 01753 734891 or email [rdhokia@hclaw.co.uk](mailto:rdhokia@hclaw.co.uk)

## Harris Cartier Win over £1m for Child with Cerebral Palsy

Our Clinical Negligence team has recently been able to obtain a particularly good settlement for a family whose baby daughter suffered severe disabilities due to mismanagement by the hospital at her birth.

The family has had to move to a more suitable house. Their daughter suffers from Cerebral Palsy and Cortical

Blindness which results in her being unable to do anything for herself, requiring constant care and attention.

The family were keen to have an award that provided suitable income for the entire life of their daughter and the following settlement was agreed by the court. A lump sum of £650,000 plus annual payments of £85,000 until 11

years old, £95,000 from 11-19 and £165,000 from age 19. These amounts are to be increased in line with the Retail Prices Index.

Chris Gooderidge our Principal in charge of Clinical Negligence group has said that he was very happy that Harris Cartier could help this family to provide the settlement they needed to give their



Chris Gooderidge

daughter all the care and attention she needs both now and for the rest of her life.

financial services at Harris Cartier

## Offshore Savings

Offshore bank accounts are no longer beyond the reach of the UK tax authorities. A new EU Directive, the Savings Tax Directive, was introduced on 1 July 2005 and requires member states and a number of non-members either to report interest paid on savings accounts to customers who are resident in another member state to the tax authorities in that state or alternatively to impose a withholding tax on the interest.

This will enable the UK's Revenue & Customs to double-check the information provided on the self-assessment forms of UK taxpayers. However, it should not result in higher tax bills, because UK residents are already required to declare and pay tax on income from whatever source.

The EU has negotiated savings tax agreements with the associated and dependent territories of the UK and Netherlands (including the Channel Islands, the Isle of Man and offshore centres in the Caribbean and Pacific) and with Andorra, Liechtenstein, San Marino, Monaco and Switzerland. Meanwhile, Belgium, Luxembourg and Austria have negotiated a clause which allows them to charge a flat withholding tax on interest rather than provide the required information. This started at 15% and will climb to 20% in 2008 and 35% in 2011.

Four types of savings income are covered, namely interest from bank accounts; interest from Government securities and corporate bonds; distributions from unit trusts and other collective investments where at least 15% of the assets are invested in debt; and redemptions from funds with at least 40% of its assets in fixed income securities. Consequently, most equity-based investments are excluded.

The Directive does not mention trusts, but the indications are that payments made by trustees of trusts under which beneficiaries are entitled to income will be caught, but

payments from discretionary trusts will not.

One way of avoiding the impact of the Directive is to invest in Deferred Interest Accounts, which accrue interest on a daily basis but do not credit it to the customer until the account is closed.

If you would like to discuss Offshore Savings or any of the points raised please contact David McIntosh on 01753 733169 or email [dmcintosh@hcaw.co.uk](mailto:dmcintosh@hcaw.co.uk)



## 240 Miles for Charity

Paul Norris, our Chief Executive, supports The Who Cares? Trust, a charity that supports children living in residential or foster care throughout the UK. Last year, he and his wife cycled 120 miles across the West Country for the charity, but this

July they took on a much greater challenge. They, and a group of 45 others, cycled to Paris, a total of 240 miles. We are pleased to report that Paul succeeded in his quest without too many aches and pains, but he did improve his skills in puncture repair, three in one day! More seriously he and his fellow cyclists were able to raise a great amount for a worthwhile charity.

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](mailto:chollick@hclaw.co.uk)

For more information on Harris Cartier LLP visit [www.hclaw.co.uk](http://www.hclaw.co.uk)

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