

# insight

Ch-ch-ch-ch-  
changes

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It's hard to predict some of the changes life will bring, but having practical advice before those moments happen means you could have much more control whilst protecting yourself, your family or your business in the process.

# The winds of change

*A change is as good as a rest. Nothing remains constant except change itself. Out with the old, in with the new.*

Most of us have grown up with these popular sayings. They encourage us to accept that change is part of life, which, after all, doesn't stop for anyone. With this acceptance, there's an implication of having no control. All you can do is sit back and see - perhaps looking through your fingers - as to what will happen next.

But at B P Collins, we embrace another adage:

*Welcome change as the rule but not as your ruler.*

This edition of Insight focuses on how to deal with change before it happens and what to do if it does come along - from protecting your business secrets with restrictive covenants (page 4) if a senior employee ever decides to work for a competitor, through to appointing someone you can trust to look after your affairs when you can no longer do so (page 10).

Although it's hard to predict some of the changes that life will bring, we know that having practical advice before those moments happen could mean that you have much more control over the outcome, whilst protecting yourself, your family or your business in the process.

These are interesting times with seismic changes happening frequently. Is your business bolstered for the future? Is it ready for the changes that Brexit (page 9) and the General Data Protection Regulations (page 3) will bring? We can help you to comprehend and prepare for all new legislation, so you can get back to growing your company, making your sales targets and developing your staff.

In your personal life, do you know who would look after your children and their inheritance if you were no longer around? What would happen if your relationship dissolved? Would you be financially secure without your partner?

We have expert lawyers in our cross-practice firm, who have experience in a range of private and corporate situations, who can help you to prepare for change and remain in control by ensuring that your wishes are respected. And even if you never got around to planning for your future and you're presented with a situation that you haven't prepared for, we can still help you to achieve the best possible outcome through strategic thinking and expert negotiation.

Change can also be welcomed and very much part of your life plan too - whether you're getting married, buying a new home, starting your own business or hiring new staff. The expertise of our lawyers, who have a

wealth of experience in creating watertight agreements, could prove priceless in the long run, when life takes an unexpected turn.

We've been told that we are a friendly and approachable team (thank you!), that - according to Legal 500 - provides 'robust legal solutions' for our clients (see more on page 7). And in the spirit of the winds of change, the plans that you make with B P Collins could be your fortified shelter, protecting you, your family or your business when those changes escalate.

B P Collins' lawyers always advise with the utmost care and foresight so you can prepare for whatever changes come your way.

*Simon Deans is the senior partner of B P Collins.*



# Mayday. Mayday. Mayday.

The countdown is on until the General Data Protection Regulations (GDPR) apply from **25 May 2018**. Partner Alex Zachary highlights the most significant changes and what businesses should be doing now to prepare.

Although still a few months away, the Regulations do contain some onerous obligations, many of which will take some time to prepare for - so action needs to be taken immediately.

The penalties for breaching the new data protection laws could cripple a company with fines of up to 4% of annual turnover or 20 million euros - so it may be prudent to seek advice on what will change, what action your business needs to take and how to shape company policy moving forward.

### Consent will be harder to obtain

A business needs to be able to show that it has a legal basis for processing personal data. If your business relies on consent as a legal basis for processing, you will need to ensure that any consent it obtains shows affirmative agreement from the person who gave it and that they clearly understood what they were consenting to. For example, they will need to actively tick a blank box giving their consent, rather than merely not unticking a pre-ticked box, which will no longer suffice under the new rules. If you process their data for a number of different purposes you will also need to be able to show that the person has clearly consented to each use.

*Has your business considered how it will demonstrate that consent has been given sufficiently for all your processing purposes?*

### GDPR will expand its geographical scope

Even after Brexit and if new UK national data protection laws are introduced, if you supply

**"The fines for breaching the new data protection laws could be up to 4% of annual turnover - so it's prudent to seek advice."**

Alex Zachary

goods and services to people in the EU you have to abide by GDPR rules.

*Has your business got a compliance plan in place?*

### Data access requests from individuals

Businesses must reply within one month and provide even more information and in a more "portable format" compared to what was needed under the soon-to-be replaced Data Protection Directive. Individuals will also have the right to request that businesses delete their personal data in certain circumstances.

*Have you thought about how your business will respond within the new timescale and how to provide the additional information required in the right format and comply with a request to be "forgotten"?*

### Strict new data breach notification

The GDPR requires business to notify the National Data Protection Agency of all data

breaches within three days, unless the breach is unlikely to result in a risk to individuals.

*Has your business prepared and rolled-out a data response plan enabling you to react immediately when there has been a breach?*

### Risk-based approach and privacy by design

The GDPR adopts a risk-based approach to compliance, under which businesses bear responsibility for assessing the degree of risk that their processing activities pose to individuals. Businesses are also required to conduct a mandatory data protection impact assessment before carrying out any processing that uses new technologies and that is likely to result in a high risk to data subjects.

*Have you made senior decision makers in the business aware of the rules, audited the data you hold and what you use it for, reviewed your legal basis for processing and any technology changes and assessed the likely risks?*

There are many more changes to come which could impact your business. For accessible advice or to discuss a comprehensive data protection plan tailored to your business, please get in touch with Alex Zachary.

Under data protection law, you have his permission.

To speak to Alex, call 01753 279022 or email [commercial@bpcollins.co.uk](mailto:commercial@bpcollins.co.uk)

## Careless talk costs livelihoods

It is worrying for business owners when an employee leaves their company. Will they work for a competitor, poach a client or divulge confidential information? Kathryn Fielder looks at the range of covenants available and how to make them watertight.



Worrying scenarios when an employee leaves a company can be avoided if properly drafted restrictive covenants are included in employment contracts. But how can they be as watertight as possible? Being reasonable is a good place to start.

Let's start with the range of covenants available. There are confidentiality covenants, which stop the exposure of confidential information. There are 'non-compete' covenants that prevent former employees from doing a similar job for a competitor. There are covenants which stop former employees from speaking with customers and suppliers. There are also covenants that prevent former employees from poaching staff.

To enforce a restrictive covenant, employers need to show that:

- 1) They are protecting a legitimate business interest.
- 2) The restriction is no wider than is reasonably necessary to protect it.

So how can business owners achieve this?

### Protecting a legitimate business interest

For a covenant to be enforceable, it must be capable of protecting a legitimate business interest. For example, a covenant preventing an employee from working for a competitor will be very hard to enforce unless there is very strong justification. Generally, the more specialised your business is, the more likely you can argue that it is impossible to protect your business interests with anything less onerous.

If you can rely on less onerous covenants, for example, to prevent the disclosure of

**“For a covenant to be enforceable, it must be capable of protecting a legitimate business interest.”**

**Kathryn Fielder**

confidential information, it is important to clearly define the information you wish to protect. That way it is easier to show that it amounts to a legitimate business interest. The court also needs to be satisfied that not only did the former employee have access to this information, but that it was not already in the public domain.

### Seniority of employee

Generally, the more senior the employee or the more influence they have in a company, the bigger the threat to the employer's legitimate business interests if they leave. Senior staff are more likely to have influence over clients or have access to sensitive information. They are also more likely to have been instrumental in the development of client relationships, which belong to the employer, not to them.

### Specific and succinct

As well as being well defined, covenants should not be too wide. For example, you cannot restrict employees from taking any clients or

customers. Instead, you should restrict it to clients that the employee has worked with for a limited period before termination.

### Time period

Generally speaking, the shorter the period of the covenant the more likely it will be enforced. An acceptable amount of time is usually between six months to a year. Longer periods can be acceptable with very senior employees or where there is the sale of a business and the seller remains as a member of staff for a handover period.

### Hiring someone under restrictions

Be aware of what could happen if you decide to hire a new employee who has restrictive covenants. They can still be liable for any breaches and can implicate you in a legal battle too.

### Contracts

When employees are promoted, always review their contracts and see if the existing covenants are still appropriate to their level and amend if necessary.

It is always worth preparing for your employees' departures, as they and your competition could jeopardise your business if restrictive covenants are not in place.

To speak with Kathryn about restrictive covenants, call 01753 279029 or email [employmentlaw@bpcollins.co.uk](mailto:employmentlaw@bpcollins.co.uk)

## Much ado about leaseholds

Following the huge furor around housing developers forcing buyers to take a leasehold on new homes and the spiralling cost of ground rent, which is increasingly being measured against inflation, the government has proposed that both will be scrapped. Mike Wragg offers advice for people looking to buy a leasehold property now.



Although the government's proposal would be good news for those who will no longer have to pay for ground rent or ever have to worry about extending their lease, these changes will not happen straight away and are always likely to remain for those living in apartment blocks. Here is what to consider if you are looking to buy a leasehold property now.

### Check how long the leasehold lasts

Houses built before the 00's usually had leaseholds lasting for 99 or 125 years. Today, there is no reason why a reputable developer wouldn't offer a leasehold of 999 years. If you're buying an older house or flat, be sure to check how many years are left on the lease, otherwise it might be impossible to get a mortgage in the first place or the property could be unsellable. The crunch point comes at 80 years, below which it becomes difficult to sell or get a mortgage.

You could ask the freeholder to extend the lease, but this can cost tens of thousands of pounds. However, if this is weighed up against the future value of the property with a longer lease and whether it can be sold again, it might be a good investment. If the freeholder refuses, get advice from your solicitor as soon as possible on what you can do.

### Check your ground rent

If you're unclear about what the ground rent is, ask your solicitor to find out. Years ago, the ground rent would have been a token amount such as a pound. However, today the average is nearly £400 and it could double every ten

years, meaning that homeowners could soon end up paying extortionate ground rent - even on a property that isn't worth very much. This could make it very difficult to sell in the future.

### Check what your leasehold permits

Once you've bought your property, you can do what you like such as renovate or rent it out on Airbnb - right? Unfortunately, no; it's not as simple as that. Read your lease and if it says that you can only use your residence as a private property, then your money-making scheme will not be allowed.

You may also have to ask your freeholder for permission to make changes or improvements to your home (and pay them to do so). This charge, along with securing planning permission, could be very costly indeed. Always review your lease, before even thinking about changing your windows or building a conservatory.

### Be mindful of additional costs

There are a few. Aside from ground rent, you may have to pay a service charge and if any building or redecoration works are about to start, you may have to pay for these too.

Your service charge usually covers the general upkeep in the communal areas of your block. Before you buy, it's advisable to have a closer look at their current state and if they look as if they're due for a revamp, the freeholder could end up charging you eventually.

If it's looking like more extensive work will be required and where the cost for each

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**Mike Wragg**

leaseholder will exceed £250, the freeholder is obliged to go through a consultation process with residents and secure three quotes for the work. Leaseholders can also do the same in order to secure the best possible deal.

It is vital that you read the lease before you buy and it may be wise to seek advice from an expert who can scrutinise every aspect of your contract and lease, so there are no nasty surprises when you move in.

To speak with Mike about leaseholds, call 01753 279021 or email [resproperty@bpcollins.co.uk](mailto:resproperty@bpcollins.co.uk)

## Client win: P B Donoghue

B P Collins' dispute resolution practice group recently acted for a successful family-run waste management business, P B Donoghue, in their defence of a High Court claim for £3 million - setting a new precedent in the process.



The dispute resolution team endeavours to achieve results in a way that saves clients time, money and effort. On rare occasions, cases cannot be resolved out of court.

Insight finds out more about the approach that B P Collins' Craig Williams and Rajiv Malhotra took on a recent case high-value claim, which resulted in a win for their client, P B Donoghue.

The claimant, Mr Houghton, had obtained third-party funding for his claim and alleged that the waste management business had breached four oral agreements, entitling him to commission (or royalty) payments with a combined value in excess of £3 million. P B Donoghue denied the claims in their entirety.

Craig Williams and Rajiv Malhotra advised and defended P B Donoghue throughout almost two years of litigation.

Working with barrister Simon Mills of Five Paper Buildings, they successfully fought a number of applications along the way in relation to the discontinuance of the claim against one of the group companies; disclosure of commercially sensitive material; requests for further information; disagreements on cost budgets and whether or not the parties ought to be allowed to rely on expert evidence.

P B Donoghue made attempts to settle the matter out of court to try to minimise the disruption to their business. Craig and Rajiv represented them at an all-day mediation and made a "Part 36" settlement offer on their behalf in December 2016 – a special type of offer with certain ingredients which give the offeror protection if the opposition refuses to accept the offer but then fails to beat it at court.

The attempts to settle the case were unsuccessful and the claim fell to be determined at an eight-day trial in the High Court before Deputy Judge Rosen QC in June 2017. P B Donoghue was represented at court by B P Collins and barrister Simon Mills.

In an unusual twist, part-way through the trial, Mr Houghton attempted to accept the companies' Part 36 offer to try to bring the trial to a premature end. P B Donoghue had made the offer seven months previously and based on their legal team's advice they took the view that the trial was going well and that it would be unjust for Mr Houghton to be allowed to accept the offer at such a late stage, after he had already "rolled the dice" at court.

The team advised P B Donoghue to object to Mr Houghton accepting the offer. This resulted in Mr Houghton making an application to a separate High Court judge half-way through the main trial, for permission to accept the offer, which the team defended. The Judge ultimately agreed with P B Donoghue's

**"The dispute resolution team's advice was forward thinking, strategic and, ultimately, spot on."**

**Eithne McGowan  
P B Donoghue**

interpretation of the rules and gave Judgment in its favour.

He dismissed Mr Houghton's application and refused permission to accept the old offer. The trial of the main claim then continued the next day.

At the end of the trial, the Judge dismissed Mr Houghton's claims in their entirety. He branded Mr Houghton's recollection of the alleged oral discussions as "fanciful" and his claims as "more than simply exaggerated" but "false".

The Judge awarded P B Donoghue all of its costs and ordered Mr Houghton to pay £200,000 as an interim payment on account of those costs, with the rest of the costs to be assessed in due course.

Speaking on behalf of P B Donoghue, finance director Eithne McGowan commented:

"Craig Williams and Rajiv Malhotra were indispensable. Their advice was forward thinking, strategic and, ultimately, spot on. We could not have hoped for a better result. They were always mindful of trying to reach a solution in the most cost effective way and delivered the result at court."

If you have a dispute that you would like to discuss with the team, call 01753 279035 or email [disputes@bpcollins.co.uk](mailto:disputes@bpcollins.co.uk)

## Putt-ing the local community first

In September, B P Collins was headline sponsor at the Rennie Grove Hospice Care's Golf Day at Beaconsfield Golf Club. The charity is the only hospice providing 24/7 responsive care at home for adults and children with life-limiting illness living in West Hertfordshire and the Chilterns area of Buckinghamshire. Its approach means that people have the choice to be cared for at home and its care is provided at no cost to the patients.

It also aims to deliver:

- Skilled and dedicated hospice care at Grove House Day Hospice
- Assessment and holistic care services to meet the personal needs of patients
- Support for families facing loss and bereavement
- Partnerships with other health and care professionals
- Engagement with the wider community through the support of volunteers and supporters

### Huge need

69% of Rennie Grove patients are able to die at home compared to just 22% nationally.

In the last two years Rennie Grove has seen a continual increase in demand for hospice at home care. In 2016, it was able to provide 19,844 visits by Hospice at Home nurses reaching 1,606 patients and a further 1,000 patients and families were cared for through the day hospice care services at Grove House.

### Rennie Grove's Hospice at Home model

Every day and night in Buckinghamshire and Hertfordshire, Rennie Grove's Hospice at Home nurses go into the homes of terminally ill patients to care for them and their families in their final months, weeks, days and hours of life. There are five adult nursing teams, including a dedicated night team and one paediatric team who are all experts in providing outstanding palliative nursing care and work collaboratively with other healthcare professionals to ensure seamless and high quality care for patients.

Aside from the physical problems associated with having a life-limiting illness, its patients and their carers also have a range of emotional difficulties to confront. Knowing that nurses are on hand to respond with specialist care at any time of the day or night is vitally important to patients, giving them the confidence and peace of mind to stay at home among their loved ones for their final days.

B P Collins' chief executive Ian Hopkins said:

"I am so pleased that we could sponsor such a worthwhile cause and also enter a team at the charity golf day to help raise an impressive £18,341.

"This money will pay for a Hospice at Home Nurse to deliver 32 weeks of specialist palliative care by making up to 650 home visits to patients in Buckinghamshire. Thanks to everyone who took part on the day."

## High ranking for wills, trusts and probate team in Chambers UK Guide

B P Collins' wills, trusts and probate team has maintained its high ranking in the latest High Net Worth Guide from Chambers UK 2017. Recognised as the most widely-used directory within the legal sector, Chambers UK ranks solicitors and barristers over a range of specialist areas of law.

B P Collins' private client practice was rated on its capital tax planning, estate planning, wills, trusts and administration for high net worth individuals. Chambers UK reported that a local source commended the practice, saying:

"They're a good firm doing this work, and they do a good amount of it."

Whilst another source said:

"They're approachable and give good service. It is not only their ability to give advice, but the way the advice is given."

This recognition from Chambers UK follows the appointment of Gary Kiely, the practice's new partner and group leader, who has several years' experience advising high net worth individuals with particular expertise in cross-border estates and complex tax issues.

Chief executive Ian Hopkins added:

"Our new partner in the wills, trusts and probate practice is leading a very strong team, as reflected in the latest rankings.

"With Gary's added expertise in advising the owners of multimillion-pound estates - from directors of blue chip companies to well-known clients from the entertainment industry - the team are set to go from strength to strength."

# Cutting out the blame game

Partner Sue Andrews discusses the divorce laws in England and Wales and why it could be time for a change.

Tini Owens, who had her petition for divorce rejected by the courts twice, is set to take her fight to the Supreme Court. Mrs Owens says her marriage of over 40 years has irretrievably broken down; however her husband disagrees, believing they should remain together.

In 2016, the Family Court refused to grant Mrs Owens a divorce based on her husband's unreasonable behaviour, because she had not set out enough reasons to justify a divorce on that basis and her allegations, according to the judge, were "of the kind to be expected in marriage".

Mrs Owens then went to the Court of Appeal to try to overturn the decision but this was also refused.

The court held that the judge had correctly applied the law and was entitled to reach the conclusions that he did. Mr Justice Munby went on to speak out against the current laws which force unhappy spouses seeking a divorce to prove that their husband or wife has behaved unreasonably, whereas in the majority of cases divorces proceed by consent, without any scrutiny by the courts.

Currently, the definition of unreasonable behaviour for the purposes of divorce is that your spouse must have behaved in such a way that the other cannot reasonably be expected to live with them. However, the examples of unreasonable behaviour made by Mrs Owens were described by the judge as "flimsy at best".

Mrs Owens has recently been given the opportunity to take her case to the Supreme Court.

She is supported by Resolution, an organisation

of family lawyers - including those at B P Collins - who are committed to non-confrontational divorce, separation and other family matters.

They will seek to be joined as a party to the proceedings as a way of influencing a change in the divorce laws, which they argue are out of date and need to "support wider societal views on no fault divorce".

## If you're thinking about divorce or separation

If you're thinking about splitting up with your spouse, the marriage needs to have broken down irretrievably. This can be based on adultery, unreasonable behaviour or desertion for two years.

The final two ways are based on how long you've lived apart. In England and Wales, it is possible to divorce on the basis that you and your spouse have been living apart for at least two years. However, both spouses must agree to the divorce.

If consent is not provided, and adultery or unreasonable behaviour is not involved, each spouse must live apart for at least five years.

This is Tini Owens' current situation and why she will need to wait for a few more years before she could petition for a divorce on that basis.

## Time for change?

Mrs Owens has already incurred substantial legal costs and has also had to pay for her

husband's costs, because she has been unsuccessful so far.

In the Supreme Court, those acting for Mrs Owens will argue that the law does not require demonstrably unreasonable behaviour, but simply behaviour which is such that the petitioner cannot reasonably be expected to live with the respondent.

Perhaps the Supreme Court hearing will be an incentive for a change in the law for Mrs Owens and for the many people who find themselves in the same situation.

In the meantime, it is important to take specialist legal advice, particularly when petitioning on the grounds of unreasonable behaviour, as there is a risk that the petition may be defended.

To speak with Sue or a member of the family team about divorce or separation, call 01753 279046 or email [familylaw@bpcollins.co.uk](mailto:familylaw@bpcollins.co.uk)

# Protection from Brexit

Since the EU referendum last year, there have been several announcements and leaked reports from the Home Office around what will happen to EU workers after Britain leaves the European Union. This has understandably caused some unease for a lot of businesses and has prompted them to ask what they can do to protect themselves. Chris Brazier offers practical advice.

Whilst current UK Visa and Immigration (UKVI) guidance suggests that EU nationals should sit tight and wait for email updates, EU nationals can potentially insulate themselves from the post-Brexit tightening of immigration control by applying for a Permanent Residence Document (PRD) immediately. A comprehensive checklist for business owners and their employees on how to achieve this is below.

To qualify for permanent residence you must:

1. Be an EU national and have spent a continuous period of at least five years living in the UK;
2. Not have travelled outside the UK for more than six months in a 12-month period during your five years in the UK;
3. Have been a qualified person throughout your five years in the UK, which means being employed, self-employed, a student or a "self-sufficient" person.

To show that you qualify for permanent residence status you must apply for a PRD.

## The application

PRD applications only cost £65 and processing times are at least six months.

You can either use the 85-page paper form or the online application form. The online form is recommended because it allows applicants to use the European Passport Return Service, so they can take their passport along to an appointment with a participating local

authority, have a copy of it taken and sent to UKVI.

This is not an option when using the paper form and your passport must be sent with the application, which could be problematic if you have a holiday booked in the next six months.

## Documents required

There is a raft of supporting documents that must be sent with your application which differ depending on how you qualify as an eligible person. Care should be taken to ensure you provide the correct documentary evidence as your application will be rejected if insufficient or incorrect documents are submitted.

## Family members

Family members of EU nationals can "piggyback" on their applications and obtain a permanent residence document in their own right.

## Home office response

Please be aware that the Home Office is taking a hard-line in relation to documents that are submitted with applications for PRD. Given the lengthy processing times for applications, it is well worth getting it right first time.

## Remember:

- Take legal advice if your qualifying status is uncertain. The guidance can be tricky and ambiguous and a small investment could save a lot of time in the long run;

- A PRD shows that EU nationals have been exercising treaty rights for 5 years; this should help to evidence and switch their status when freedom of movement is replaced;

- The applicable criteria is certain, relatively achievable and the application is affordable;

- Make sure you are submitting the right documents with your application;

- The guidance in this area is changing regularly so always check you are working to the most recent version before submitting your application;

- EU nationals still have the right to live and work freely in the UK at the moment. Even if your application is rejected, in the vast majority of circumstances you do not have to leave the UK;

- If you wish to apply for British citizenship, you must have a document certifying permanent residence and have usually held this for one year before doing so. If you don't and you try to apply for citizenship, the Home Office will reject your application and will not refund you the £1,282 application fee.

This is a summary only and you should contact Chris Brazier and his team for advice that's suitable to you or your employee's situation.

To speak with Chris or a member of the business immigration team, call 01753 279029 or email [employmentlaw@bpcollins.co.uk](mailto:employmentlaw@bpcollins.co.uk)

# Appointing your power of attorney?

Partner Gary Kiely explains why planning, preparation and expert advice is vital and is on hand to allay any fears and provide advice on how to go about appointing the right person.



Former judge Denzil Lush announced recently that there were a lack of safeguards in the Powers of Attorney regime in England and Wales and that he would never sign one himself. Instead, he would rather use a Court of Protection Order.

Unfortunately, this announcement could make a lot of people unnecessarily concerned if they have already appointed someone as their power of attorney.

Here, Gary Kiely outlines how to appoint the right person to ensure there is no abuse of power.

## What are powers of attorney?

It is important to have a power of attorney in place at any stage of your life as it is comforting to know that you have someone you trust who will deal with your affairs if you are no longer able to do so yourself. While many people might consider the task of creating a power of attorney too time consuming and expensive, it would be wise to think seriously about the security it might provide you with.

A General Power of Attorney can be drawn up to help someone manage your affairs for a short period of time, if you are abroad or in hospital. It is revoked if capacity is lost.

A Lasting Power of Attorney (LPA) is the only way to ensure that your family can deal with your assets should you lose capacity. There are two different types of LPA; one which deals with property and financial affairs and one which deals with personal welfare. The person

making the LPA (the donor) can choose whether they wish to make either or both types of LPA.

## What is a Court of Protection Order?

If you lose capacity, and you do not have an LPA (or an Enduring Power of Attorney) in place, someone will need to obtain a Court of Protection Order (COPO) to be appointed as your "Deputy", which is the Court of Protection's version of an attorney. A Deputy could be a family member or, in the event of a dispute, a person with no family connections to the donor.

The deputy can only do what they have applied for under the COPO and may need to apply to court again for other decisions, so the process is a lot more rigid and takes longer for decisions to be reached. These are usually applied for after capacity is lost as a reactive measure at a vital time and can take six to nine months to obtain.

The COPO is also more costly. When it is in force, you need to pay an insurance bond each year and report to the Court of Protection by filing accounts. There are charges for this.

It may work in some situations but it adds stress and burden on the Deputy and may put some people off from acting altogether.

## Safeguarding your choice

Despite what Denzil Lush says, Lasting Powers of Attorney should not be written off. They can really work where there is a trustworthy relationship.

However, although LPAs can be created without a solicitor, it is worth seeking legal advice to help avoid a donor's funds being misused, to be fully aware of the responsibilities involved and to ensure the LPA is executed efficiently and correctly. A solicitor can also:

1. Fully explain the pros and cons and what an LPA means for the donor.
2. Ensure that the donor has capacity and that there is no undue influence in appointing their attorneys.
3. Be a good sounding board when the client is deciding on who to appoint and their responsibilities.
4. Add an extra safeguard by storing the LPA until needed, as it is a live document once registered with the Office of Public Guardian.
5. Can be appointed as attorneys too, in more complex situations.

If you have any concerns about your existing arrangements for powers of attorney, or wish to appoint one, contact Gary by calling 01753 279030 or emailing privateclient@bpcollins.co.uk

# Bucks Sporting Lunch Club awards its first para-dressage rider



Ray Wilkins MBE presented Mari-Durward-Akhurst with a £1000 grant on behalf of SportsAid's Bucks Sporting Lunch Club.

Created in 2011, the Bucks Sporting Lunch Club is a way for local individuals, businesses and trusts to raise money to help with training, travel or equipment costs for young, talented athletes in Buckinghamshire such as Mari.

The 23-year-old from Amersham in Buckinghamshire was presented with a cheque for £1000 at the recent lunch event at Dorney Lake.

Mari has cerebral palsy with increased ataxia which affects all four limbs. As a result of this, her coordination, balance and muscle tone are all affected. Mari explains:

"I am weaker down my left side and sadly over the last couple of years my condition has deteriorated and I now use a walking stick all the time and a wheelchair or scooter."

However, Mari's commitment and dedication to her training programme at Windmill Farm in Chalfont St Giles impressed her national governing body and SportsAid when selecting potential grant recipients:

"I ride for 20 minutes maximum as that is all my body can cope with. But my mum and trainer ride the horses for me so they are worked on a regular basis. I have two lessons a week with my trainer Rob Waive, go to the gym and carry out my exercise programme six times a week. It's quite intense."

Mari's training seems to be paying off, as she is already a Grade 1 Gold National Champion after competing with her horse Sky O'Hara, in September 2017.

She also was second behind a triple Paralympic gold medalist at Hartpury 3\* International in July this year and is 19th in the world rankings for her grade.

The award money will cover her entry to the British Dressage Nationals and the cost of her trainer at competitions. Mari has ambitions to compete at the Tokyo 2020 Paralympics and to win a gold medal and looks to Helen

Kearney, para rider for Ireland, as her inspiration. Her family are also fully behind her as Mari adds:

"My family, my mum and dad have always been around to help and support me. My sister, even though she lives across the other side of the world, is a true inspiration to me. But my mum is my greatest influence, as she has been through so much but never stops fighting. We are one very determined family."

Steve Perry, B P Collins, a trustee of Bucks Sporting Lunch Club, said:

"Mari's story is very inspiring. Her determination to succeed and her achievements impressed all of us. She is a very deserving winner. I'm delighted that the Bucks Sporting Lunch Club award could hopefully take her one step closer to Tokyo 2020."

Mari received her award from Ray Wilkins MBE, Sky Sports pundit, former England footballer, and former manager at QPR and Fulham FC, who went on to win the Premiership when assistant manager at Chelsea FC.

The lunch successfully raised £4000 which will go towards funding the sports stars of tomorrow.

**"Mari's story is inspiring. Her determination to succeed and her achievements make her a very deserving winner."**

# Top-flight rankings from Legal 500 following positive client feedback

The Legal 500, one of the leading legal directories in the UK, has just announced its results for 2017, saying that overall:

"B P Collins LLP is a consistently successful full-service law firm dedicated to delivering robust legal solutions for both commercial and private clients. It remains a key name in dispute resolution, most notably in the waste management sector."

This year the corporate and commercial, commercial litigation, employment, family, personal tax, trusts and probate and environment practices continue to retain their tier one status.

Legal 500 approached several clients to ask them about our service. Their feedback resulted in these six practice groups retaining their top ranking and four leading individuals retaining their top tier status. It also recognised four of our lawyers in its elite 'next generation' category for the first time.

Ian Hopkins, chief executive, commented on the rankings:

"Not only have all of our 'leading individuals' retained their status, but this year four of the firm's partners and senior associates have been officially recognised as 'next generation' lawyers.

"This shows that our clients do not have to solely rely on the expertise of a few individuals, but can comfortably trust the expertise of the wider team at B P Collins. Working together, they ensure that many of our practices retain the highest rankings.

"Thank you to all of our clients for their positive feedback."



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Practice group leaders: Business immigration, Chris Brazier | Commercial property, Alison Taylor | Corporate and commercial, Alex Zachary  
Dispute resolution, Matthew Brandis | Employment, Jo Davis | Environment, Alex Zachary | Family, Sue Andrews | Property litigation, Scott Goldstein  
Residential property, Alison Taylor | Wills, trusts and probate, Gary Kiely | Notary public, Martin Silverman and David Wilkinson

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