

myerson MAGAZINE

ISSUE 10 // SPRING 2022

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Redundancy During Pregnancy or Maternity Leave

Are you facing redundancy during pregnancy or maternity leave? You need to know your rights!

In a survey of almost 20,000 mothers and pregnant women at the start of the pandemic, the charity, Pregnant Then Screwed, found that 15% of mothers had been or were expecting to be made redundant. This is a very common occurrence; just at the point when women are perhaps feeling particularly vulnerable and least able to find another job.

There is proposed legislation currently in the House of Commons which, if introduced, would prohibit redundancy during pregnancy and maternity leave and for six months after the end of pregnancy or leave (except in specified circumstances). However, the current position is that you have no enhanced protection from redundancy if you're pregnant or on maternity leave. It is, however, unlawful for your employer to treat you less favourably because of your pregnancy.

If you do find yourself in this situation, the key to making it a little easier (and even changing the outcome) is knowing your rights.

Reason for redundancy

Your employer must have a genuine commercial reason for making you redundant. This cannot be because you are pregnant or on maternity leave. An employer must speak with all 'at risk' employees and you should be involved in all communication (with as much notice as possible) even if you're off work with pregnancy-related sickness or are on maternity leave.

Selection for redundancy

Unless your employer is making everyone in a particular role redundant, it will need to use a selection process to decide who will be made redundant. During the selection process, employees will be divided into pools and scored against a set of criteria, which should be objective and measurable. Examples usually include skills, performance, attendance and disciplinary record. It's unlawful to use criteria that would disadvantage you because you're pregnant or on maternity leave. For example, any attendance or absence caused by your pregnancy or maternity should be discounted or, if you missed a performance review cycle because of a pregnancy-related illness or your maternity leave, then your employer should consider using your previous review.

Remember, you have the right to know the selection criteria and how you were scored. If you disagree with your scoring then you should discuss this during consultation.

Alternative roles

During consultation, your employer must consider any alternatives to redundancy. This may include an offer of an alternative role. If you are selected for redundancy while on maternity leave and there is a suitable alternative job available, you have the right to be offered this role over and above anyone else, even if they are also at risk of redundancy.

Maternity pay

If you qualify for statutory maternity pay and are made redundant before going on maternity leave but after the beginning of the 15th week before your baby is due, then you will still be entitled to all of your statutory maternity pay as well as any redundancy payment. If your employer offers additional contractual maternity pay then this would usually end when your employment ends, unless your employer agrees otherwise.

Act quickly!

We would encourage you to seek advice as soon as possible if you think you may have been discriminated against because of pregnancy or maternity leave. Despite the #GiveMeSix campaign, which is lobbying for the time limit for bringing claims to be extended to six months, the time limit to raise a tribunal claim is currently only three months (less one day) from the point discrimination occurs. It is, therefore, crucial to act quickly.



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Employment lawyers.

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Legal Costs on Divorce

Going through a divorce or separation can be very difficult emotionally. Anxiety surrounding whether you can afford to fund the cost of a divorce can compound the stress.

Content within these articles is for general information only and does not constitute legal advice. Specialist legal advice should be taken in relation to specific circumstances.

Litigation Funding

If you are unable to pay legal fees for your own income or capital resources and have limited access to bank loans, credit cards or loans from family members, you may be eligible to seek litigation funding from a third-party provider.

These loans carry interest, usually between 18 and 25% APR variable. The loan and interest repayments are usually repayable at the end of your case.

Please note that litigation funding is not available for disputes relating to children unless there are existing financial issues and sufficient capital assets available to repay the loan at the end of the case.

Spousal Maintenance

On separation, many couples agree on a level of maintenance (which can include child maintenance and spousal maintenance) to assist the lower paid or non-earning spouse financially. However, in some cases, this cannot be agreed upon. It may then be very difficult for that person to afford the cost of day-to-day living and their legal fees.

In these cases, it may be appropriate to make a court application for spousal maintenance, known as “maintenance pending suit”, which is essentially an interim order for a sum of money to be paid to you, usually each month. The court will consider the application at an early stage of the case and take a broad-brush approach in deciding on the level of interim maintenance.



Legal Services Order

In addition to applying for maintenance pending suit, a court application for a Legal Services Order to support paying legal fees may also assist. If ordered, this would mean that your spouse would have to pay your legal fees or at least a contribution towards them.

Legal Services Orders are usually seen as a last resort, and it would have to be shown that you have tried to obtain funds in another way first, such as by borrowing from a litigation provider.

If you would like any further information about your funding options, please contact our specialist Family Law solicitors.



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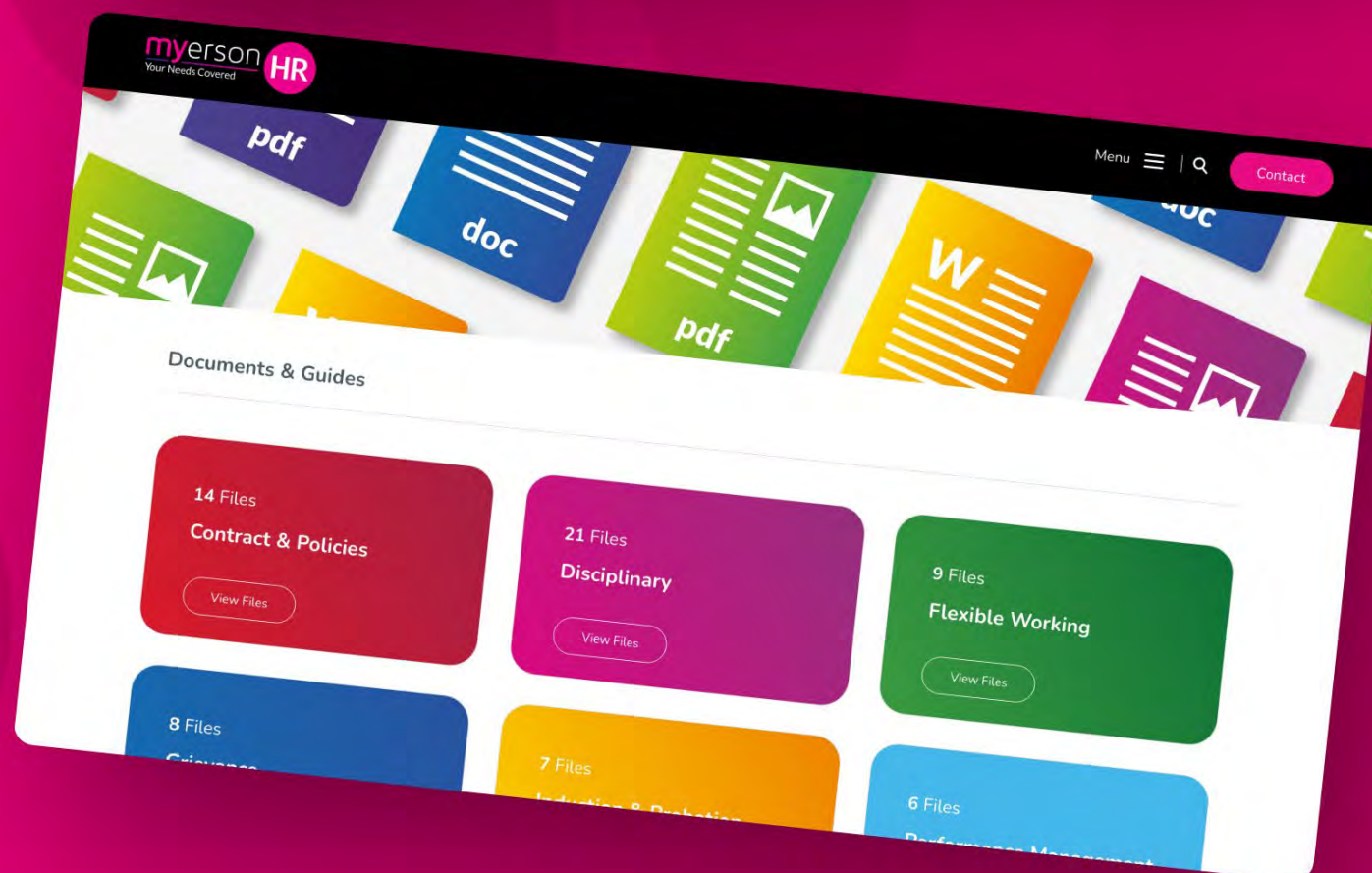
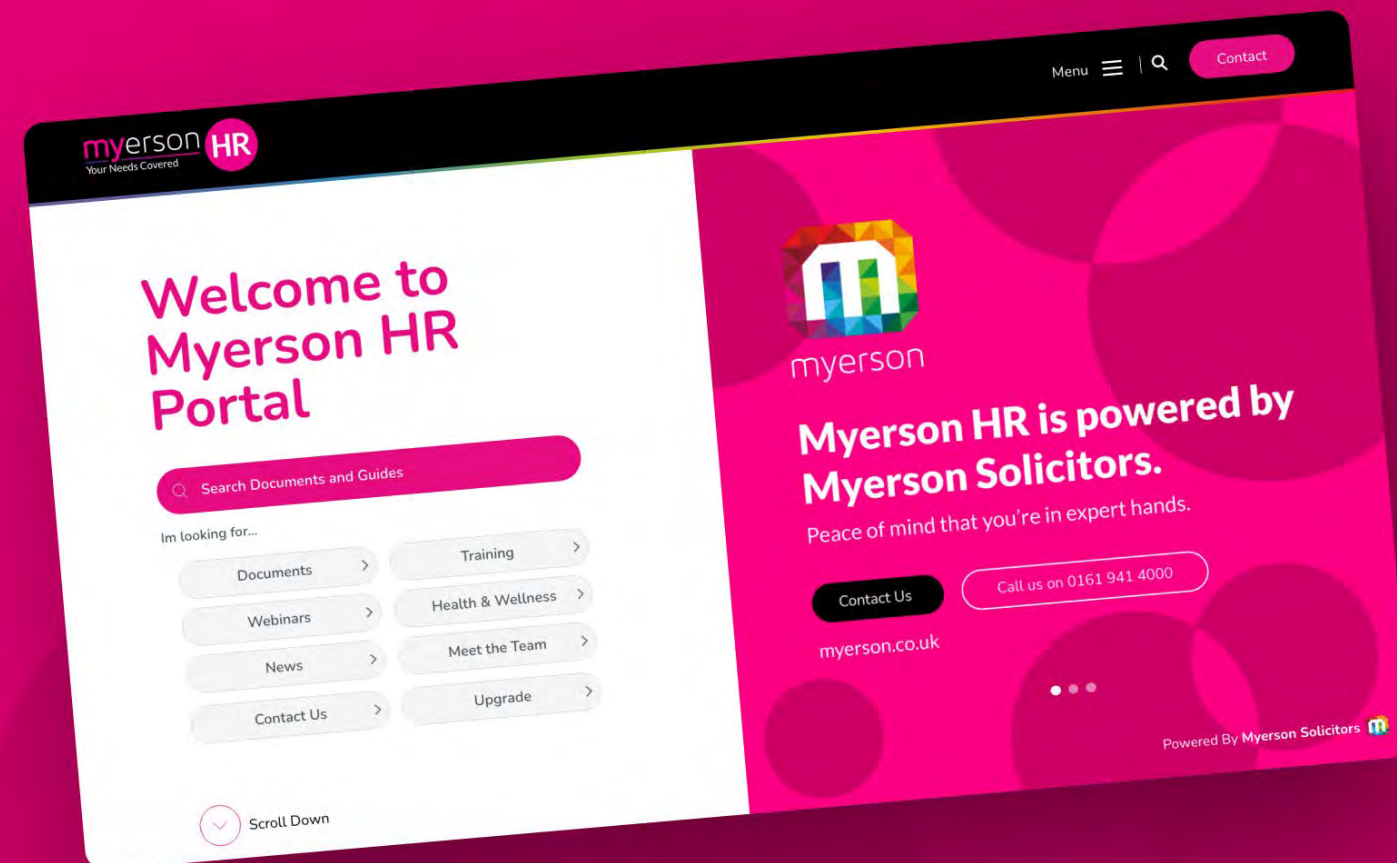


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8 Things To Consider When Buying A Rural Property

The reality of living in the countryside – not all its cracked up to be?

At the peak of the Covid-19 pandemic, city folk moved out of their flats in droves to houses with space for a home office, large gardens and peace from the city. Whilst the majority of families who have left major cities are enjoying a new pace of life, some have started to question their sudden change of lifestyle, having not had a chance to consider all that the countryside has to offer.

1 Access to local amenities and services

In rural locations transport and infrastructure is much further behind that of cities. It is not possible to walk to the train station or to order a takeaway straight to the doorstep.

As part of the home buying process, local area searches can reveal what transport links are within the area and whether additional infrastructure is in the pipeline.

Other services not necessarily available in the countryside include fast or fibre broadband and mobile phone signal. Many people during the pandemic learnt that reliable internet is essential to work from home productively.

2 The smell of fresh air

Living in proximity to working farms means that all of the smells that one might expect on a farm carry over to the property which can make sitting outside on a summer's evening for a meal rather unpleasant.

3 Septic tanks

One of the least alluring parts of rural living can be the upkeep of a septic tank. Your property might have use of a septic tank rather than be connected to a public sewer. This might involve cooperation with a neighbour, if their property also uses the system, and maintenance can be costly as well as unpleasant to deal with. The cost of maintaining the septic tank might fall to you and repairs can be expensive.

4 Peace and quiet

Although the usual city noises will fade away, farm machinery and the rumbling of tractors past your property in the early hours is another factor to consider when living in the countryside. Agricultural working clearly does not fall within the traditional 9 to 5 working hours that many offices adhere to. Dairy farmers will begin work early in the morning, which can mean not only loud cows but also loud milking machinery.

5 Countryside views

Many homebuyers move to the countryside with the prospect of waking up to a beautiful view of endless fields and greenery. It is rare that you will have a right to a view. Searches of the local authority and of the area will reveal any planning applications in the surrounding area. It should be considered that if any of the planning applications come to fruition, are they going to affect your enjoyment, and the value, of your property.

6 Plans scuppered

You may purchase a property with acres of land which has previously been used as agricultural land. Development may

not be possible in the countryside as the land may be subject to a range of environmental designations or have an agricultural tie that limits who should occupy the property.

Additionally, you should consider whether your property has any listed status or is in a conservation area. Speaking to the planning department in the local authority could give you a useful insight into the property before you commit to purchasing.

7 Countryside walks

If your home is crossed by a public footpath, members of the public will have a right to pass and repass along the footpath on foot. This could mean a steady flow of visitors through your garden in the peak of summer when you may wish to be sat outside in the garden privately.

8 Picturesque living

People relocating to the countryside will be well-acquainted with all that it has to offer and will enjoy being in amongst the sights and sounds of rural life. Access to national parks, more space and less pollution are just some of the draws to the countryside which have encouraged those sitting on the fence to make the move. Despite some initial surprises, now is as great a time as ever to think about moving out of the city, making sure it suits your family and lifestyle.



Speak to one of our
Residential Property Solicitors.

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Trust Registration Service

If you are a trustee of an existing trust or if you are creating a new trust, then you need to be aware of some recent changes to trust compliance requirements.

All UK “express” trusts (with certain limited exceptions) and some non-UK express trusts, taxable or not, that were in existence on or created after 6 October 2020 must register with and provide details to HMRC’s Trust Registration Service (“TRS”).

At Myerson we offer a fixed fee registration service for those who don’t have their trust registered with the TRS.

It is important as a trustee to do so as this is a big change from previous requirements, where only trusts that had a UK tax liability were required to register with HMRC. Trusts that now need to be registered include most trusts created by Wills, life interest trusts, discretionary trusts, and even bare trusts. In practice, this covers most types of trust and so you should check to see if your trust needs to be registered.

The rules will catch out many trustees who hold non-income-producing assets, such as a house. For example, if parents hold a property on trust for themselves and their children, or when a minor child inherits a property and that minor child’s

parents are named on the Land Registry title until that child turns 18, as well as trustees who don’t even know they hold assets on trust. For example, where an elderly parent and an adult child open a joint bank account together, where the parent provides all monies so the child can help their parent manage their finances, the monies are held on trust for the parent. Instead of doing this, to reduce unnecessary compliance, we would advise that people make Lasting Powers of Attorney.

There are certain limited exceptions to registration, including for trusts of a jointly owned property, where the owners and beneficiaries are the same people, charitable trusts, trusts imposed by a court order/legislation, and certain pilot trusts, in place before 6 October 2020. Under draft legislation, a welcome new exception is a trust created to set up a bank account for a minor or vulnerable person. However, trustees must note that if an excepted trust has a UK tax liability, it will still need to register with the TRS.

Registering with the TRS

The information that needs to be registered with the TRS includes names, dates of birth, residency, and nationality for all settlors, trustees, and identifiable beneficiaries of the trust. The lead trustee will be issued with a specific reference number and trustees must notify HMRC if there are any changes to the trust within 90 days of that change. Non-taxable trusts must be registered with the TRS by the later of 1 September 2022, or 90 days from the date the trust is created. A registerable trust that has existed at any time on or after 6 October 2020 must be registered with the TRS, even if it was closed before the service was fully opened on 1 September 2021. If the trust is taxable, the registration deadline depends on various factors so please get in touch with our specialist Trusts team who will be able to advise you further.

Penalties for not registering the trust and not updating HMRC with any changes have not been decided, however it has been indicated that financial penalties could arise and may be payable by trustees personally, rather than by the trust.

If you are a trustee of a trust, you must consider whether your trust needs to be registered and should take steps well in advance of the registration deadline to register the trust. At Myerson we offer a HMRC trust registration service for a fixed fee to ensure this is managed correctly and if you want to discuss how changes in trust compliance might impact the trust, do not hesitate to contact our specialised Trusts team at Myerson.

We can:

- ☐ Advise you whether you need to register your trust.
- ☐ Review whether your trust needs to be registered.
- ☐ Register your trust with the TRS for a fixed fee.
- ☐ Assist you with the ongoing administration of your trust.

There are different types of trusts. Our expert team will advise you on the options available to you, including, what sorts of trusts may suit your circumstances.



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