

Student Buy to Lets



We're a nation in love with bricks and mortar. No longer satisfied with one home, our passion for property has seen a boom in the buy to let property market.

Although would-be landlords in the rest of the country might be put off by higher interest rates and rising house prices, in Cumbria the new University is likely to keep the prospect of buying to let for student rentals an attractive proposition.

However, Head of Conveyancing, Mike Wood has a cautionary word for anyone thinking there is easy money to be made out of student lets. He said, "It's easy to see why people might be attracted into student lets. There is a ready supply of tenants and incomes can be much higher than from traditional lets. But, this kind of enterprise has to be treated like a proper business. It can be a lot of work and many landlords are unaware of their legal responsibilities."

Many student houses will fall into the category of Houses in Multiple Occupation (HMO). As well as health and safety legislation such as the Fire Safety Order, landlords of such properties also need to be aware of strict new licensing requirements.

For further information on buying to let, contact Mike Wood on 01228 552222.

Top Rankings for Burnetts' Big-Hitters

Burnetts is Cumbria's highest ranking solicitors' practice in the latest edition of The Legal 500, the annual guide to UK law firms and one of only two firms in the county to make the prestigious list.

The Carlisle solicitors is the only firm in Cumbria to be recommended for its clinical negligence expertise, its work for public sector clients and its experience in the construction industry. As well as ranking firms according to the number of legal advisers, The Legal 500 also includes well researched commendations of firms and individuals.



Managing Partner Tom Leach (left) said, "Our continued growth has seen us again inch up in the overall rankings. However, what's most important to us is to see some of our specialisms acknowledged.

We have some impressive big-hitters here at Burnetts and it's right that they are singled out for recognition."

Senior Partner and employment law expert John Morris was described as "highly experienced" while Burnetts' Head of Medical Law Vicki Jagger, and Head of Personal Injury Richard Bain were also mentioned. Burnetts also received praise for its "longstanding commitment to agriculture".

Good News for Inheritance Planning



Changes as to how inheritance tax thresholds are applied will make inheritance tax planning cheaper and simpler...

The Chancellor Alistair Darling announced the changes in his Pre Budget Review in October.

Previously, when someone died with assets totaling more than £300,000, inheritance tax was levied on the excess at 40%, except when those assets were left to a spouse or civil partner. When the surviving spouse or civil partner died, the £300,000 threshold still applied so children or other beneficiaries could be left with a huge tax bill on the combined assets.

The Chancellor has now made the individual inheritance tax threshold transferable - couples can combine their allowances so that the first £600,000 of an estate is free from inheritance tax.

Burnetts' Trusts expert, Martyn Wrightson said, "Before now we had to set up special Trusts to help couples minimize their inheritance tax liability. Under the new rules couples can automatically make use of a £600,000 allowance so the process has been simplified to a large extent."



Inquests increase post-Shipman



In these post-Shipman days, inquests into deaths are becoming more common as doctors are rightly unwilling to sign a death certificate where there is any doubt about the cause of death. Last year there were almost 400 inquests in Cumbria alone.

Inquests take place whenever there is a "sudden or unnatural death". They are likely to be held when a death occurs at work; in prison or police custody or in a hospital or a care home if there are questions over the cause of death and the deceased's medical treatment or care.

An inquest is a public hearing over which a Coroner presides. The aim is to establish the exact circumstances of a death. The Coroner will usually call witnesses to give evidence and at the end of the hearing will return a verdict on the cause of death.

The bereaved family usually welcomes the opportunity to have their unanswered questions addressed, but an inquest can be an upsetting and traumatic experience for families. Although the Coroner's office is generally very sympathetic to the deceased's family's needs, the inquest can still be an intimidating legal process

Vicki Jagger is head of Burnetts' Medical Law department. A clinical negligence specialist, she is a member of both the Action against Medical Accidents panel and the Solicitors Regulation Authority's Clinical Negligence Accreditation Scheme.

She said, "We have certainly seen an increase in the number of families coming to us for advice or representation at inquests. Families want to find out exactly what happened and we can make sure the right questions are asked. Importantly, we can also access medical experts who can advise us in respect of the treatment and care that has been provided to the deceased."

Many families want someone to take responsibility for their relative's death, but says Vicki an inquest cannot apportion blame.

Vicki Jagger



She explains, "An inquest will not establish any liability on the part of a named individual or organisation. However, the evidence given at an inquest could then be used to investigate a civil claim if the Coroner criticises the treatment the deceased received prior to his/her death."

If you would like more information or advice on inquests or any other medical law issue, contact Vicki on 01228 552222 or visit www.burnetts.co.uk.

Understanding inquests

Responding to this increase in the number of inquests, Burnetts recently hosted a free seminar for workers in the healthcare and voluntary sectors which focussed on "Understanding Inquests". The session, held in Penrith, was attended by

Primary Care Trusts, health-related charities and other advice organisations.

Ian Smith, President of the Coroners' Society of England & Wales and HM Coroner for South & East Cumbria and Janet Sinclair-Pinder were guest speakers while Burnetts' solicitors

Victoria Watson & Lynne Hall explained the legal aspects of inquests as well as the issue of funding. Solicitor Ruth Keenleyside described the concerns of families.

To be kept informed of Burnetts' medical law events, email ash@burnetts.co.uk.



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Compensation ruling on asbestos workers

A recent judgment in the House of Lords will be a blow to hundreds of Cumbrians who have been negligently exposed to asbestos.

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In October the House of Lords ruled that workers with pleural plaques, a scarring to the lungs caused by asbestos exposure, will no longer be able to claim compensation.

The decision will have a particular impact in Cumbria due to the large number of workers from the county's once strong shipbuilding industry where the use of asbestos was widespread until the 1980s.

Nick Gutteridge is a Partner in the Personal Injury department of Carlisle solicitors, Burnetts. He has many clients with diagnosed pleural plaques whose compensation claims had been put on hold while the insurance companies appealed a 2005 High Court ruling that pleural plaques sufferers should be compensated. He said, "This will be a devastating decision for our clients who know they have been exposed to asbestos and that they have a risk of developing serious illness, but they cannot claim compensation at this stage."

It is widely accepted that although pleural plaques usually have no physical symptoms, they can indicate a risk of developing serious illnesses such as mesothelioma or other debilitating respiratory disease along with the anxiety that this risk brings. Prior to today's judgment, workers exposed to asbestos who were diagnosed with pleural plaques may have received compensation.

Nick is a member of the Solicitors Regulation Authority's Personal Injury Accreditation Scheme, and joined Burnetts as a Partner in June.



Nick Gutteridge

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Christmas upset for children of broken families

Making Christmas cards for Mum and Dad is a regular activity in schools and nurseries at this time of year, but some dads will never get the chance to see those cards.



For parents who are separated, organising gifts and cards for the ex might seem unthinkable, but according to one Cumbrian childcare law expert, parents who are less than positive about their other half are causing their children unnecessary stress.

Amy Fallows is a Partner from Burnetts' family law department. She is also Co-ordinator of the Cumbria Childcare Forum and Chair of North Cumbria Resolution, an organisation which promotes a non-confrontational approach when dealing with family break-up. With nearly ten years' experience of advising couples who are separating, Amy has seen plenty of bitter exchanges, but she says children cope best when parents can be positive about each other and that includes helping to choose cards and gifts for Christmas and birthdays.

"Children quickly pick up on negatives and it isn't enough to be neutral. Parents who want to help their child through the separation and beyond, have to work together.

Typically where mum is the main carer, there might be no positive comment or questions about the child's weekend visit to dad. The child can end up feeling that there is something wrong with them enjoying the company of dad which makes handovers for contact and events like Christmas very stressful for a child", says Amy.



"Children very quickly pick up on negatives..."

Amy Fallows

That's why maintaining positive contact through gifts and cards helps the child to feel it's okay to enjoy being

with both parents. Apart from putting children in a difficult position, the lack of cards and gifts is viewed badly in courts.

Amy said, "If contact has to be resolved in court, judges look at issues like whether or not positive contact has been maintained. The child is the focus of the family court and a parent who cannot put their own feelings aside will not look good to the judge."

Several research studies have emphasized the importance of parents maintaining a positive relationship and it is widely agreed that the quality of relationships between parents and children and between parents themselves is important in helping children adjust to life

after separation. A poor relationship between the separated parents is understood to add to the difficulties in establishing successful arrangements for contact between the child and the non-resident parent.

Sometimes there are very good reasons why contact arrangements can't work. Amy explains, "Where there has been domestic violence between the separated parents, it can be far more difficult to establish a working contact relationship. Indeed in some situations it may not be in the child's interest for contact to go ahead".

For further information on child care issues during divorce or separation, contact Burnetts' family team on 01228 552222 or visit www.burnetts.co.uk.



Get Saving for Christmas (2008!)

A year ago, thousands of families were coping with the shock of losing their Christmas savings when Christmas hamper company, Farepak collapsed with debts of over £35 million. The company had more than 150,000 customers with average savings of £400.

To fill the gap left by Farepak, the Post Office has now opened its own Christmas Club. The Club will allow members to deposit money on to a pre-pay card. From November 2008, that card can be used to pay for goods in more than 200 high street retailers. The account will not pay interest but the Post Office says it will be negotiating discounts and offers for its members.

Tony Irving, Burnetts' Independent Financial Adviser thinks that there are better options for your Christmas nest egg. He says "Most banks run regular savings accounts. If you will commit to putting away a little money each month and will accept restricted withdrawals, you can earn interest of up to 8% on your savings. The top interest-paying saver account at the moment is Lloyds TSB Monthly Saver."

For those determined to put their money away in a Christmas-branded account, Skipton Building Society has recently launched its Christmas Savers Account which is currently offering 7.55% on savings up to November 2008.

Tony said, "Christmas is a big financial commitment so planning ahead is important, but you shouldn't assume that these Christmas-themed products give you the best return on your money. With so many different accounts on the market, it makes sense to get independent advice from someone with an overview."

To talk to Tony about savings and investments, call 01228 552222.

