

March 2009

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Victim of workplace sexist abuse awarded £9,000

A young woman administrator who was "systematically and continuously abused" at her workplace has been awarded £9,000 in compensation.

The 21-year-old said the years of bullying by male colleagues had destroyed her bubbly and confident personality.

The Tribunal heard that she had been called a bitch and a whore by her boss and had been made to clean the toilets even though it was not part of her job.

The abuse began in 2006 after she had reported the theft of some items from the firm. Two members of staff were later dismissed. She said her boss started to swear at her regularly and threatened to sack her. When she started dating a colleague, work colleagues told the man not to give her a lift home or she would "cry rape".

She said that when she complained, she was told by a senior manager that she should expect swearing in an all-male environment. She resigned after discovering that she was the only candidate chosen for possible redundancy.

The judge said the young woman had been brave to bring her grievances to the attention of her employer and criticised the firm for not paying enough attention to her complaints. "She was systematically and continuously abused by her manager over a period. She had irritable bowel syndrome which was adversely affected by her treatment."

The young woman was awarded £9,000 in compensation for sexual discrimination and constructive dismissal.

Please contact Justin Birch if you would like information or advice about employment law.

Injured motorcyclist receives £450,000 in compensation

A motorcyclist who sustained physical and psychological injuries in a road accident has received £450,000 in compensation.

The motorcyclist was involved in a collision with a car which emerged in front of him from a side road in 2004. He suffered multiple injuries including fractures to both wrists and his right leg. He was left with permanent scarring and deformity. He still suffers pain and has restricted movement in both wrists together with other complications.

He can no longer continue his career as a bench joiner and will have to do lighter work instead.

Liability for the accident was disputed with the car driver claiming that the motorcyclist had been speeding.

The two sides have now reached an out of court settlement in which it was agreed that the motorcyclist was 20% liable for the accident. He is to receive a total of £450,000 in compensation for his injuries, suffering and loss of earnings.

Bank provides £14bn for mortgages to help boost housing market

Up to £14bn is being made available for mortgages over the next two years by Northern Rock.

The bank will make £5bn available this year and a further £9bn in 2010. The Government says the move by the nationalised bank is intended to help the struggling housing market to recover over the next 12 months.

Some mortgages will be provided at up to 90% of the value of the property being purchased. The average value of new mortgages is currently £112,000. At that rate, the extra £5bn being made available this year could fund the purchase of 44,600 homes of average size.

Ministers say they want to see a well functioning mortgage market where “lenders lend responsibly and borrowers have access to a wide range of mortgages that they can afford to repay”.

The extra funding from Northern Rock may not have a dramatic effect on the depressed property market but it is nevertheless a step in the right direction and gives some ground for optimism for those looking to buy or sell a house.

Both buyers and sellers who are thinking of re-entering the market may find that the system has changed considerably since the last time they moved home – mainly because of the introduction of Home Information Packs (HIPs).

HIPs are intended to simplify and speed up the process by obliging the vendor to provide potential buyers with important information such as the results of local searches and evidence of title as soon as the property is put on the market. This was the kind of information that each buyer used to have to find out for themselves.

Anyone selling a home regardless of its size must now provide a HIP for potential buyers.

Please contact Ian Armstrong or Christopher Jackson if you would like more details about HIPs or any aspect of buying and selling a house.

Declaration of trust protects wife's house from husband's creditors

A court has ruled that a woman should be allowed to keep her family home even though her husband's creditors wanted it to be sold to help clear his debts.

It is an unusual case and illustrates the benefits that can arise from making a declaration of trust.

The husband had bought the house several years before in his own name. However, he had an alcohol problem and also liked gambling. Eventually, his wife became concerned about the family's financial security. To protect her future, she insisted that her husband made a declaration of trust in her favour which effectively handed the house over to her.

At the time this was done the husband had no significant debts and was able to meet all his mortgage payments. That changed a few years later, however, when he fell into serious debt and was declared bankrupt.

The trustees in the bankruptcy applied for an order setting aside the declaration of trust the husband had made regarding the house and his wife. They argued that it had simply been a way of putting the property beyond the reach of his creditors.

The husband denied this and said the declaration had been made at his wife's insistence. She had threatened to divorce him if he didn't sign over his interest in the family home to her. The only reason she had in taking such assertive action was to maintain her family's financial security.

The court ruled in the family's favour. The judge said he was satisfied that the main reason for the husband's action was to maintain his marriage. The effect was to place the house beyond the reach of the creditors, but while that might now be a beneficial consequence of the declaration of trust, it was not the reason for making it in the first place.

The ruling does not mean, of course, that a person facing financial difficulties can avoid creditors by simply placing assets in someone else's name. However, it does show that a declaration of trust made in good faith can help to protect a family's financial security.

Please contact Christopher Jackson if you would like more information.

Lawyers criticise new measures against absent parents

The family lawyers' association, Resolution, is urging the Government to drop plans that would give civil servants increased powers to clamp down on parents who fall behind with child maintenance payments.

The proposal, which Resolution describes as draconian, is contained in the Welfare Reform Bill now making its way through parliament. It would allow the Child Maintenance and Enforcement Commission (CMEC) to confiscate the driving licence or passport of defaulting parents without the need to obtain a court order.

The Department for Work and Pensions says the measure would only be used as a last resort after all other sanctions to make parents pay had failed. It believes that allowing civil servants to take such direct action would be faster and easier and beneficial to the taxpayer. It will be tested in certain areas of the country before being adopted nationally.

Work and Pensions Secretary James Purnell said: "We are supporting parents in these tough times, but for those who choose not to support their own children, we will not stand by and do nothing.

"If a parent refuses to pay up then we will stop them travelling abroad or even using their car."

However, the new powers are opposed by Resolution. A spokesman said: "We agree with the government's aim that all parents meet their pastoral and financial responsibilities toward their children. However it is well known that the administration of child support in this country is riddled with errors and bureaucratic failures.

"Until the system is fixed, running smoothly and has public confidence there can be no justification for not allowing a right to challenge such draconian measures in the courts."

The subject of child maintenance payments often evokes strong feelings on both sides of the argument. Many parents, usually but not always mothers, can suffer great hardship when their former partner fails to pay child maintenance. On the other hand, many other parents, usually but not always fathers, often feel they are being hounded unfairly.

Whatever view one takes there is little doubt that there is a determination on behalf of the Government and CMEC to make sure more parents face up to their responsibilities. Parents on both sides of the argument who are affected by these issues should seek legal advice to protect their interests.

Please contact Patrick Troy if you would like more information about child maintenance payments or any aspect of family law.