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Court rejects woman's claim to a share of her former partner's home

A court has rejected a woman's claim that she was entitled to a share of her former partner's home.

The woman already had two children when the couple began their relationship. Her partner then bought a house with his own money for her to live in with her children. He drew up a cohabitation agreement stating that the property would remain his if the relationship ended. However, she refused to sign it.

The partner then sold the house and bought a farm so the woman moved there with the children. When the relationship broke down she claimed that she was entitled to a 50% share in the property.

To support her claim she gave evidence in court that she had given up her job to work on the farm and had acted as project manager while major alterations and improvements were carried out.

The court ruled against her. The judge held that there was no evidence that she had a beneficial interest in the property – that is, a legal entitlement to a share in it or a share of the proceeds from selling it. Her partner had made it clear that he did not intend for her to have a beneficial interest in the first house when he bought it and she had not been able to prove that his intentions had changed when he bought the farm.

She had been heavily involved in the redevelopment of the farm but she had not been the project manager.

In giving his judgment, the judge said that whether or not his decision was fair was not a matter for the court. He had to act in accordance with the law and fairness was not a matter for the court to judge: that would have to be a matter for law reform.

The case illustrates the need for people to draw up official legal documents to protect their interests in such important areas. The partner's position was helped by the fact that he had drawn up a cohabitation agreement with the help of his solicitors. The woman had no legal documents to back up her claim.

Housing officer wins age discrimination claim

A local authority employee who believed he was dismissed from his job so his employer would not have to pay for his early retirement has won his age discrimination claim.

The man had worked as a housing officer for 30 years and was then seconded to a registered social landlord. When the secondment ended he was made redundant by the authority. He was 49 at the time and was just six and a half months away from being able to take early retirement.

He claimed he had been unfairly dismissed and discriminated against on the grounds of his age. The employment tribunal ruled in his favour and that decision has now been upheld by the Employment Appeal Tribunal.

Anyone who is discriminated against at work on the grounds of age is entitled to claim compensation. Please contact Justin Birch if you would like more information about this or any aspect of employment law.

Increase in care home fees could affect people's wills

Recent increases in care home fees mean that many elderly people could be left with nothing to leave to their families in their wills.

The warning from the Law Society follows research by Age Concern and Help the Aged which shows that the average care home fees are now £470 a week.

The President of the Law Society, Robert Heslett, said: "There is a danger that many elderly people are dipping into their life savings, selling their homes or other assets to pay care home fees.

"In many instances, they will have asked their solicitor to include those assets in their will to be left to family and loved ones. However, there could be nothing left once their care home fees are paid for."

The Society says it is concerned that not enough people are updating their wills to take account of care home fees together with the added problems caused by the recession.

Mr Heslett said: "A regular review of a will with your solicitor can ensure that family, friends and any charities are still able to receive something. It is worth asking your solicitor to include a 'plan B' in case your home has been sold and cannot be passed on, at least that way, if you are forced to sell up to pay for care or for any other reason, the intended recipients of your estate receive something else."

Lasting Powers of Attorney becoming more important than ever

New research suggests that the number of people suffering from dementia could double over the next 20 years.

The research was sponsored by Alzheimer's Disease International and predicts that by next year there will be 35 million people worldwide suffering from dementia. That figure is expected to rise to 65 million by 2030 and to 115 million by 2050.

The increase is largely down to the fact that people are living longer than ever before.

The worrying figures mean that it is now more important than ever that we should take steps to protect our interests in case we suffer from dementia or lose our mental capacity in the future.

Lasting Powers of Attorney (LPAs) enable you to nominate someone such as a family member or friend to make decisions on your behalf if you ever lose the ability to do so yourself.

The property and finance LPA allows you to appoint someone to look after your financial affairs and the personal welfare LPA lets you grant an attorney authority over such matters as health care and the kind of treatment you receive.

LPAs should be drawn up with the help of a solicitor to ensure that they accurately express your wishes and protect your interests. Please contact Christopher Jackson for further information.

Recycling collector injured by exploding wheel receives £10,000

A recycling collector who was injured when a lorry wheel exploded while he was working has received £10,000 compensation in an out-of-court settlement.

The man was walking behind a recycling lorry when one of its tyres exploded injuring his leg. He sustained a torn ligament in his right knee and was unable to work for four months. He had to undergo intensive physiotherapy and it took 18 months for him to fully recover.

He made a claim for compensation against his employer on the basis that it had been negligent in failing to provide a safe working environment and failing to properly maintain a vehicle used by employees.

The employer accepted liability and agreed to the payment of £10,000 which includes damages for pain, suffering and loss of amenity.

Anyone who suffers an injury as a result of someone else's negligence is entitled to claim compensation. Please contact Martin Crossley if you would like more information.