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12-year-old car accident victim receives £2.3m compensation

A 12-year-old boy who sustained brain injuries when a car being driven by his mother was involved in an accident is to receive a lump sum of £2.3m plus regular payments for the rest of his life.

The boy's mother was killed in the accident in which her car collided with a vehicle being driven by someone with no insurance. The uninsured driver was considered to be most at fault for the accident but the mother was also partly responsible through her negligence.

The boy's family made a claim against his mother's estate on the grounds that her negligence had contributed to the accident. Her insurance firm accepted liability.

The boy was only three years old at the time of the accident and because of his injuries he will never be able to lead a normal life or look after himself. His life expectancy has been reduced by up to 18 years.

Following an out of court settlement, he is to receive a lump sum of £2.3m plus annual payments of £40,000 until he is 14. These payments will increase in stages until he is 25 when he will then start receiving £126,500 a year.

Please contact Martin Crossley if you would like more information about making a personal injury claim.

Family courts to come under more public scrutiny

The media will soon be able to attend family court hearings. The Government hopes that by subjecting proceedings to more scrutiny it will increase public confidence in the system.

However, the Justice Secretary Jack Straw insists that the welfare of children and vulnerable adults will still be protected. Announcing the new measures in a statement to the House of Commons, he said: "It is critical that family courts make the right decisions and the public have confidence they are doing so. A key part of building trust in the system is that people understand how it works.

"At the same time, we must protect the privacy of children and families involved in family court cases so they are not identified or stigmatised by their community or friends."

Under the proposals, the media will be able to attend family courts unless the judge decides that access should be denied in order to protect the welfare of a child, or for the safety or protection of other participants in the case such as witnesses.

Some people may be concerned at the thought of a reporter attending a hearing in which they are involved but in reality, only a tiny proportion of cases are likely to attract media attention.

There are also safeguards. People involved in a case will be able to request that the media be excluded if they feel there are valid reasons why the proceedings should not be publicised. The court can also place restrictions on what can be reported in order to protect the welfare of children and their families.

There are also proposals to give people involved in a case a copy of the judgment so they have a record of how the court reached its decision. The Government is also looking how court judgments might be retained so that children involved in proceedings can access them when they are older and able to understand the reasons for decisions affecting their welfare.

A pilot project to test out some of the proposals is due to begin in the spring.

Please contact Patrick Troy or Amanda Worger if you would more information about family law.

Protect your interests if you are threatened by redundancy

The worsening economic climate means that thousands of people are being made redundant every month.

It's a worrying time for everyone but people facing the threat of redundancy should know that they have legal rights to ensure they are treated fairly and get the best possible severance deal from their employer.

To begin with, your employer should consult with you individually or, if there are to be a large number of redundancies, with your staff or union representatives as soon as possible. This should be at least 30 days before the first redundancy if there are between 20 and 99 jobs to go and at least 90 days in advance if the number is over 100.

You should be provided with written details about such things as the reasons for the redundancies, the numbers and categories of people involved and how the employees affected will be selected. The company can decide how the selection process will work but it must be fair and based on evidence rather than who the employer likes or dislikes.

If you are selected then your employer should consult with you individually and explain why. He must also consider whether there are any alternatives to redundancy. If the employer fails to do this then the redundancy may be considered unfair.

If you feel you have been selected unfairly then you can appeal and if necessary take your case to an employment tribunal.

You will be entitled to statutory redundancy pay if you have worked continuously for your employer for two years or more. The entitlement varies from half a week's pay for each year of service to one and a half week's pay depending on your age. The statutory maximum weekly pay has just risen to £350 but your firm may have an in-house agreement providing better terms. The first £30,000 of redundancy pay is tax free.

You are also entitled to work your full notice period or be paid in lieu if your employer wants you to leave earlier.

Your firm may want to enter into compromise agreements with redundant staff. The agreements set out the terms and conditions relating to the termination of employment and once signed will prevent the employee bringing tribunal claims in future, except for personal injuries or pension issues.

The firm may provide an enhanced redundancy package to encourage you to sign. Because you will be waiving the right to bring an employment claim in future, you must receive independent legal advice before entering into a compromise agreement to ensure you know and understand all the implications.

This advice should be provided by a law firm that is experienced in employment matters and is not acting for the company making the redundancies.

The costs are often paid for by the employer of the redundant workers as it provides a cost effective way to reach a settlement.

The agreements are not restricted to financial matters. For example, confidentiality clauses are quite standard procedure these days to prevent the employee from disclosing the terms of the agreement.

It is also possible to include clauses preventing the employee making derogatory statements about the company or its management.

Of course, the employee may also wish to include conditions such as requesting that the employer provides a reference. There is no legal obligation on the employer to do this but if they do then the reference must be accurate and fair.

Compromise agreements can be beneficial to both sides as long as you are fully aware of what you are doing.

Redundancy can be a very difficult period in a person's life and the rules and regulations covering it seem daunting so it is always advisable to seek legal advice if there are issues you are unsure about.

'Excessive' divorce settlement overturned by Court of Appeal

The Court of Appeal has overturned a divorce settlement that would have meant a husband had to transfer 30% of his assets to his wife following their divorce.

The judges held that the order was excessive because the marriage had not lasted very long and because the husband had acquired most of his assets after the couple had separated.

The couple had lived in the husband's local authority flat during their marriage. He acquired the right to buy after his wife moved in. The marriage lasted four years and the couple had two children.

Following the break-up of the marriage, the husband remained in the marital home and the wife moved to another local authority flat. He exercised his right to buy and then sold the flat at a profit. He put the money towards another property which he bought with the help of a loan from his family.

The court that considered the wife's application for ancillary relief ordered that the husband should pay her a lump sum of £75,000 and also make periodical payments.

However, the Court of Appeal has now overturned that order describing it as excessive given the short duration of the marriage. The order for periodical payments was struck out because the court held that a clean break was appropriate in this case. The lump sum payable to the wife was reduced to £40,000.

Please contact Patrick Troy or Amanda Worger if you would like more information about divorce issues.

£400m available to help first time homebuyers

First time homebuyers struggling to get on to the property ladder could benefit from a £400m fund being made available by the Government and private developers.

The money is available through the HomeBuy Direct scheme and is designed to help 18,000 people buy a home for the first time.

The Homebuy scheme offers buyers an equity loan to cover up to 30% of the purchase price. There is no interest for the first five years. The buyer can provide the balance of the purchase price by the usual methods such as a mortgage. The equity loan can be repaid at the market value of the property when it is eventually sold.

The scheme is funded by the Government and 130 developers across the country. The equity loans are available to first time buyers with a joint household income of less than £60,000. They would enable a person to buy a £180,000 house for as little as £126,000.

It's hoped the scheme will enable thousands of people to make that all important step of buying their first home. However, buyers should also ensure that they consult a solicitor to deal with the legal aspects of the purchase to ensure that all the necessary procedures are followed correctly.

Please contact Ian Armstrong or Christopher Jackson if you would like more advice on any aspect of buying or selling a home.

The list of sites containing homes available under the HomeBuy Direct scheme can be found at: <http://www.homesandcommunities.co.uk/>