

Stansted Airport Expansion

For those of you who like to keep abreast of the expansion plans for Stansted Airport here is a quick run down of what the British Airports Authority (BAA) has in mind. BAA has just launched an extensive public consultation on the various options they are considering. This will include details of the location of the proposed second runway and extended airport boundary.

BAA has already applied for planning permission to extend the current limit of 25 million passengers a year. Numbers are currently around 23 million and BAA expects this figure to reach 25 million by 2008. The extended permission will allow BAA to serve around 35 million passengers a year by 2015.

BAA is also launching a public consultation in relation to the proposed

development of a second runway at Stansted. Planning application for the second runway is expected to be submitted in summer 2007 and will be followed by a public enquiry. If planning permission is granted the new runway is scheduled to open in the year 2015. This would take passenger capacity to approximately 70 million a year by 2030.

The growth of air travel has been such over the last few years that a second runway at Stansted appears almost inevitable. This will not, of course, please everyone particularly those who live close to the airport. Others will argue that the extended capacity will bring further growth and prosperity to the region. You just cannot please everyone all the time.

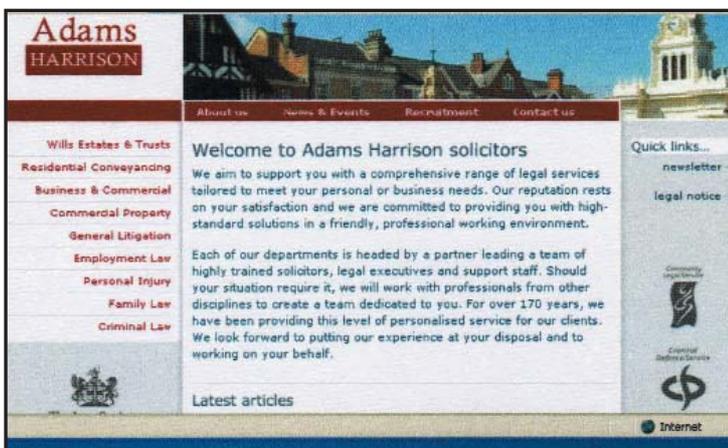
TOM HARRISON — Senior Partner

New website launched

At the end of October we launched a new website to replace our original one which had been in operation for a number of years. The address is the same — www.adams-harrison.co.uk — but we hope that you will find the new site more interesting, informative and helpful. It contains more information about the services we offer and how to contact us and find your way to our offices.

It is also easier for us to keep it up-to-date. As well as continuing to produce our biannual printed

newsletter we will be regularly adding news items and information about forthcoming events to the website. Newsletters which we have published previously are also available via the new website.



Saffron Walden Business Forum

A meeting of the Saffron Walden Business Forum took place on the evening of 17th July 2006 at the Saffron Walden Museum to promote business within the town. Adams Harrison was pleased to be able to co-sponsor the event which included a talk by Sir Alan Hazlehurst MP for Saffron Walden and Deputy Speaker of the House of Commons.



In the photograph with Sir Alan are partners Jennifer Carpenter and Shoshana Goldhill and Commercial Property Solicitor Anthony Marris.

Contents

Stansted Airport Expansion	1
Saffron Walden Business Forum	1
New website launched	1
On the trail of the FA Cup	2
How to get the best out of your solicitor	2
Rights for working Mums	2
The latest on Home Information Packs	2
Good News for the Oldies	3
Have you made your will yet?	3
E-Conveyancing — Are you ready for it?	4
Chariot Racing Again	4
Boundary Disputes	4

Adams
HARRISON

On the trail of the FA Cup

Haverhill Rovers progressed further in this year's FA Cup than ever before and also further than any other side from such a low league division. The Rovers who play in the Ridgeon's Eastern Counties First Division won through five preliminary and qualifying rounds of the competition knocking out a number of sides from higher leagues including Conference South Division Eastbourne Borough.

At the end of October Rovers took on Aldershot Town from the Conference League at their Hamlet Croft Ground. A record-breaking crowd of over 1700 turned out to cheer them on in their latest giant killing attempt. Unfortunately two goals in each half from Aldershot put paid

to hopes of an appearance by Haverhill in the first round proper of the FA Cup. The mouth watering prospect of a trip to the likes of former European Champions Nottingham Forest was not to be!

TONY PAGE —Accounts Assistant



Rights for working Mums

The Work and Families Act 2006 came into force on 1st October. These regulations make various changes to the previous Maternity and Parental Leave Regulations. The changes mean that all pregnant employees will now qualify for 12 months' maternity leave, regardless of how long they have been in the job.

There is now the ability for an employee on maternity leave to agree with their employer to work for up to 10 days during maternity leave. "Work" includes training, attending courses or other activities to assist the employee with keeping in touch with her work and employer.

For those employees expecting babies, or due to adopt, on or after 1st April 2007 the statutory maternity pay period has been extended to 39 weeks, rather than the previous entitlement to just 26 weeks pay.

If you are discriminated against because you are pregnant or on maternity leave then this is automatically sex discrimination and you would have a claim against your employer. However, it is important to act quickly in seeking our legal advice regarding your claim as there are time limits in most cases of three months.

JENNIFER CARPENTER — Partner

The latest on Home Information Packs

The arguments rage on over the Government's commitment to introduce Home Information Packs (HIPs). Following wide spread disquiet regarding the effectiveness of HIPs the Government has decided not to make Home Condition Reports compulsory when HIPs are introduced next year. Instead a Government funded £4 million HIP dry run has just got underway in Bath, Cambridge, Huddersfield, Newcastle, Northampton and Southampton.

The trial will run in Partnership with HIP providers linked to the Association of Home Information Pack Providers.

It remains to be seen whether HIPs provide any significant improvement to the process of buying and selling houses. Those against continue to argue that it is no part of the Government's remit to interfere in what is essentially a private arrangement between private people. The likelihood remains, however, that HIPs including Home Condition Reports will eventually become fully compulsory once the voluntary dry run currently taking place has been tested and evaluated. The stark truth remains that this will increase significantly the cost of moving home.

RHODRI REES — Partner

How to get the best out of your solicitor

Notes of a briefing given by Anthony Marris to a meeting of the Saffron Walden Business Initiative 7th September 2006.

■ Work out what the problem is and how you think we can help.

■ Gather all your paperwork. We don't want to see the damning piece of evidence against you six months later!

■ Finding a solicitor:

* Ask friends for recommendations but do not expect a property solicitor to handle your divorce!

* Look in Yellow Pages.

* Telephone a couple of solicitors and try to gauge from them how interested they are in your problem.

* Look local.

* We are a people business and so person to person contact is important.

* The cost of a local person may well be lower than travelling further afield.

* If you need to you can always drop in to their reception with paperwork or even to chase matters up!

* A local solicitor will also have local knowledge.

■ Understand how solicitors charge.

■ Get a fees budget appropriate to your matter and to your resources.

■ You don't need George Carman to defend you on a speeding summons but be aware that sometimes a more experienced solicitor will get to the root of the problem more quickly and could well have dealt with a very similar problem many times before.

ANTHONY MARRIS — Solicitor

The new Age Discrimination Regulations came into effect on the 1st October 2006 amidst an alarming lack of awareness or understanding of the way in which these new laws will affect employees of all ages and employers. Recent surveys by Help the Aged, and other organizations revealed that both employers and employees either had no idea the regulations were coming into effect on the 1st October or, if they did, did not understand how the law had changed.



'I can't remember whether I'm retiring or training today!'

The Employment Equality (Age) Regulations 2006 make it unlawful to make employment decisions based on a person's age. Employers can no longer set a compulsory retirement age below 65. The current upper age limit for eligibility to bring unfair dismissal and redundancy claims will be removed.

The age regulations will affect nearly every kind of business and organisation in one way or another. It will make us all think about the way we advertise, recruit and retain employees, including:-

Recruitment advertisements

Employers will not only have to avoid specifying a minimum/maximum age but also length of experience as this could be indirect discrimination. For example, asking for graduates may discriminate against older workers. Words such as "senior" or "mature" could be considered discriminatory against younger applicants.

Application forms

It is not unlawful to ask for a date of birth but employers may like to ask for this information on a separate monitoring form that will not be seen by the selection panel.

Selection procedures

Certainly expressions such as "over the hill", "past it" or "need for new blood"

should not be used and employers will have to avoid age stereotypes.

Training

Training will need to be made equally available to young and old.

Policies

Employer's redundancy policies will need to be reviewed as for example, last in, first out or length of service as criteria is likely to be discriminatory. Bullying and harassment policies will need to cover age. Retirement age will need to be considered as employers will be forced to justify having a contractual retirement age under the age of 65 years. There is now a mandatory requirement to serve a notice on any employee explaining these new legal rights not to be arbitrarily retired at 65.

There will be certain justifiable reasons for an employer to directly discriminate on the grounds of age, for example health and safety or for a genuine occupational requirement.

Employers will need to ensure that staff are fully trained on the new law to avoid claims of harassment. At present jokes about age in the work place are socially acceptable but in future it remains to be seen whether Tribunals will consider those offended by such banter to be over-sensitive. Have we seen the last of the 40th birthday card containing a joke about getting old?

The results of research by the Employers Forum on Age published in April 2005 shows that older people are happier at work than their younger counterparts (that's something to look forward to!). In fact ageism is a bigger problem for workers in their late teens than their 50s.

It should not be too difficult for employers to implement the new regime provided they take the trouble to become acquainted with the changes. We are able to advise you on your policies and procedures in light of the new legislation. Ensure that you avoid any claims. We can advise anyone affected by the new law — whether it be employer or employee.

JENNIFER CARPENTER — Partner

Have you made your will yet?

We never cease to be surprised by the number of people with substantial assets who either forget or decide not to make a Will. Why anyone would want to leave to chance the distribution of their estate on death is difficult to understand.

The Courts continue to deal with an assortment of cases where the deceased had either failed to make a Will at all or possibly worse, had failed to take suitable professional advice when drawing up the Will.

If there is no Will at all the estate may very well pass to distant relatives who were neither deserving nor needful and sometimes not even known to the deceased. It is far better to make a Will stating specifically who your estate is to go to.

We occasionally see "home made" Wills. Sometimes these do not even comply with the statutory provisions of the Wills Act 1837 and are invalid. If a Will is invalid then the intestacy rules will apply as though there were no Will at all.

Even a valid Will can be challenged if it is not carefully thought out and drafted. We sometimes see poorly drafted Wills that are uncertain as to their meaning.

Wills can be challenged on the grounds of mental capacity and/or undue influence. These problems can easily be overcome by having the Will professionally drawn by experienced specialists. You need look no further than our team at Saffron Walden of Melanie Pratlett, Kim Dalby and Sarah Furlong.

MELANIE PRATLETT — Partner

Adams
HARRISON

E-Conveyancing — Are you ready for it?

The short answer is no (because at present you can't)

We are however heading inexorably towards electronic conveyancing, a system which is designed to make conveyancing more streamlined and eventually will lead to completions of transactions electronically. This will doubtless involve the simultaneous redemption of old mortgages, the drawing down of new mortgage advances, the payment of stamp duty land tax and the registration of the new owner's title.

Land Registry
Cymraeg



Know where you stand — Register your land

In order to prepare for this the Land Registry have been updating their systems and in particular by virtue of the Land Registration Act 2002, which has been coming into force little by little, title deeds have dematerialised and your ownership of "55 Acacia Avenue" is merely a byte of information on the Land Registry central computer! No more parchment, sealing wax and whys or wherefores!

The Land Registry is striving to ensure that the Land Register is as up to date as

possible and so now a greater number of interests have to be registered at the Land Registry. In particular leases of seven years or more (previously it was 21 years or more) have to be registered as do newly created rights of way and the like although existing rights are usually protected.

A side effect of all of this is that it is now becoming increasingly important to ensure that the register, so far as it affects your property is entirely up to date. Some titles (particularly those where there has been no change of ownership or change of mortgage arrangement for 15 years or more), are not even registered at the Land Registry. This puts the landowner at serious risk in that a neighbouring owner could seek to register rights over his neighbour's property without the owner being notified. The first an owner might know of this is when they came to sell and found that a claim to a right had been registered against their property without their knowledge simply because the Land Registry did not know who the neighbouring owner was when considering the application.

It therefore follows that registration of title at the Land Registry and becoming a byte of information on the Land Registry computer could prevent rights being registered.

We at Adams Harrison have been registering a number of our clients' titles to land over the last few months and strongly advise owners of unregistered titles to have them registered at the Land Registry. As an incentive the Land Registry are presently offering a 25% discount on the land registry fees which are payable.

If you require any assistance please contact either of our offices by phoning **01799 523441** (Saffron Walden) or **01440 702485** (Haverhill) or e-mail enquiries@adams-harrison.co.uk.

ANTHONY MARRIS — Solicitor

Chariot Racing Again

The firm once again entered two teams in the Chariots of Fire relay race through the streets of Cambridge in support of this years Charity — East Anglian Air Ambulance.

This is an emergency helicopter used to convey patients to the nearest hospital within the region. It can reach anywhere within Cambridgeshire, Norfolk or Suffolk within 20 minutes. It flies during daylight hours, and relies entirely on donations and fundraising to pay for its costs.

Both of our teams excelled themselves this year finishing 145th and 162nd out of 385 teams and each beat its time from last year by around three minutes.



Boundary Disputes

Boundary disputes are a regular feature of my working life. Often the argument is over seemingly trivial strips of land.

In a recent case we acted for a client whose neighbour knocked down her single storey pantry claiming it was on his land. At trial the Judge found for our client and awarded her over £11,000 in damages and substantial costs.

Cases like this frequently arise because inadequate and unclear plans were used in a Conveyance or Transfer. The moral: make sure the plan is clear accurate and to scale.

TOM HARRISON — Senior Partner