

CHAT WITH CHEBSEYS

Issue 1 • February 2010 • the monthly newsletter of Chebsey & Co

Welcome to our first monthly newsletter.

As many of you may already know Chebsey & Co has gone through various changes over the last two years. We have merged with two other firms (Sommer & Co and Wachtel Fox & Co). We now have offices in Burnham and Croxley Green, Rickmansworth as well as Beaconsfield. We have converted to a Limited Company with Caroline Dunne and myself becoming directors.

In addition to all of the above we have found time to change our IT system and obtained the Lexcel Practice Law Society accredited Management Standard – which is only awarded to legal firms that meet the highest management and customer care standards.

Whilst the staff tell me that this is enough changes for a while we all realise that we must strive to develop the business further and to provide even greater benefits to our clients. I therefore anticipate that you will see more changes over the next 12 months. The first of these changes is the introduction of this newsletter and our revamped website (www.chebsey.com)

You may have found it difficult to keep up with all our changes. The law also changes constantly. We therefore thought that a great way of keeping you updated as to not only what is happening within Chebsey & Co but also what changes in the law may affect you, is to establish a regular newsletter – “Chat With Chebseys”. We hope that “Chat With Chebseys” will be full of information that hopefully will not only update you but also get you thinking.

Having said all of that, this is your newsletter. Please let us know what sorts of things you would like covered in it and we will try to oblige - within reason and providing that it is legal!

I hope that you find this first edition of “Chat With Chebseys” informative and useful. If you have please pass a copy to a friend or colleague. If you haven't please tell us.

M. Keith Chebsey
Director and Chairman
February 2010

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Practice Management Standard
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 **resolution**
first for family law

*Criminal
Defence Service*


*Community
Legal Service*


AIPP
ASSOCIATION OF
INTERNATIONAL
PROPERTY
PROFESSIONALS
MEMBER

Office News



Saturday Opening

Don't forget that our Burnham offices is now open on Saturdays from 9.30am until 1pm. For directions on how to get there please see [HERE](#)

Do you find opening on a Saturday useful? Are you likely to take advantage of this service. Please let us know.

Facebook, Twitter and LinkedIn

Chebsey & Co have also joined the Social Media revolution and you can therefore now follow us on Twitter, Facebook and LinkedIn. Those of you who don't know what these are need to ask the nearest available child. Never let it be said that solicitors are behind the times! On these sites we will be keeping you updated on a more regular basis than the newsletter so feel free to follow us there – just don't expect us to post pictures of any drunken evening on them.

Our Twitter page is "Chebsey"

Our Facebook page is under the name of "Chebsey & Co"

Our LinkedIn Page is under the name "Chebsey & Co"

Dispute resolution /
litigation

**NO WIN /
NO FEE**

No Win, No Fee

If you suffer an injury or loss due to a negligence or failure of some other, then you are entitled at law to redress for that injury or loss.

The media and some large claim-handling organisations have given personal injury law a much sullied name. However, if you suffer an injury and/ or loss as a result of another person or organisation's short fallings, there is nothing immoral in seeking compensation or a rebalance to put you back in the position that you were in and would still have been in if the other party had not acted towards you in this negligent way.

At Chebsey & Co we offer a full personal injury, damages and loss recovery service. We offer this as another element of our broad spectrum of services.

We offer the opportunity to pursue these claims under a no win no fee funding arrangement (otherwise known as conditional fee agreement). These arrangements do not only exist to protect the access to justice for those that cannot afford legal representation, but also to allow such claims to be pursued without the claimant front loading the costs and without the claimant exposing themselves to quite so much litigation risk.

This is not the shameful, illegitimate element of the justice system that the media would have you believe. In fact, now that the government have widely withdrawn almost all of state funding for civil claims, conditional fee agreements represent a real world, viable method to generate access to justice.

Conditional Fee Agreement and similar funding arrangements, that may delay the costs of litigation, are available in all manner of claims but are subject to our review of the prospects of that claim.

For further information contact Sue Bean (01494 689292 or smb@chebsey.com) or Tom Crown (01494 689294 or thc@chebsey.com) in our litigation department

Lasting Powers of Attorney

A power of attorney is a legal document which allows somebody to make certain decisions on your behalf. As such they should only be given to somebody in whom you have complete trust and who you think has the necessary skills to act on your behalf. So why would you give a Power of Attorney to somebody else? In the UK the main reason is so that your affairs can still be maintained when you reach an age that you no longer feel comfortable or able to deal with them yourself.

You may have heard of Enduring Powers of Attorney but these can only be used if they were made validly before 1st October 2007 and even then only in relation to property and finance. Nowadays if you are to give a Power of Attorney for either your property and financial affairs or your health and welfare you would give a Lasting Power of Attorney (LPA).

There are two types of Lasting Powers of Attorney. One relates to your property and financial affairs. This allows the person or persons named to make decisions about your finances or property and you can decide whether this can be used whilst you still have capacity to make these decisions or only if you no longer have that capacity. The other is a Health and Welfare LPA which allows the person or persons appointed to make decisions about your health and welfare but only if you lack the mental capacity to do so yourself. A Health and Welfare LPA could mean that the person appointed could make decisions regarding consent for the continuation of life sustaining treatment.

So what if you don't make a LPA? If you ever lack the capacity to make decisions for yourself then it would be necessary to apply to the court to allow somebody to make decisions on your behalf – which is much more costly, time consuming and stressful and may not be the person you would have chosen to deal with your affairs. A much better option is to make things as easy and cheap as possible for your family to look after you and to grant a Lasting Power of Attorney – particularly the older you get.

If you wish to have further information regarding Lasting Powers of Attorney for yourself or a family member please contact either Julie Tompkins, Brian Wade or Johanna Knott at our Beaconsfield office on 01494 670440 or Contact either Malcolm Tanner or Helen MacDiarmid at our Burnham office on 01494 660077.

Property



Property Statements

Property is a safe bet they say. Most of us do not think of property solely in that way, but the vast majority of us will buy property a number of times over our life time in what are the biggest deals we will ever personally be involved with.

When you sell your property you make statements and offer guarantees to your prospective purchaser, and these statements will be binding upon you to the full extent of the law. A property purchase deal between individuals can fall apart, or be prised apart in much the same way as huge money deals we all read about.

It is very worthwhile ensuring that you get the deal right. An instruction of a good quality experienced residential property solicitor should be at the top of everyone's to do list.

We have already seen a dispute arise over the innocently naive statements made during a property transaction. In this case, the statement made by the seller was that no major electrical re-wiring had been undertaken on the property. The issue was that once the buyer paid for the property and took

possession they discovered that the seller had in fact installed an electric shower during their many years in ownership of the property; as many other home owners will also have done. This required the connection of a new outlet to the property's main supply. This required re-wiring!

Is this major re-wiring? Is there any loss or risk to the purchaser? As long as the questions can be raised, both seller and purchaser can find themselves contemplating large legal bills and potential compensation payments when they should be picking out new carpets and curtains. There is no better preventative step than getting the right advice at the right time.

For further information contact either our Property Department;
David Wachtel (01923 775651 or dmw@chebsey.com)
Helen Woodend (01494 689285 or hew@chebsey.com)
Alistair Bertrand (01628 660077 or aab@chebsey.com)

or our Litigation department
Sue Bean (01494 689292 or smb@chebsey.com)
Tom Crown (01494 689294 or thc@chebsey.com).

Crime & and Road Traffic Defence



Driving and Mobile Phones

You are driving in your car late for an important meeting when you get held up in a major traffic jam. You are anxious not to arrive late without explanation but don't have a hands free kit in the car. You decide to make a quick call just as the local traffic police arrive to deal with the congestion.

The law changed some years ago to create 3 offences involving the use of mobile phones in cars:

1. Use of a mobile phone by the driver
2. Causing or permitting the use by the driver of a mobile phone
3. Supervising a provisional licence holder whilst using a mobile phone.

The law sets out the definition of a hand held mobile phone, which is basically that the phone is held at some point during its use.

The first offence is committed by a person who "drives", however, the law also sets out the definition of driving and this includes being in charge of a vehicle which is stationary but the engine is running. So even if you are stopped in the traffic jam you could still be considered to be "driving".

The second offence is aimed at, but not exclusive to, employers who encourage their employees to use hand held phones whilst driving.

All 3 offences carry an obligatory endorsement of 3 penalty points and a maximum financial penalty of between £1,000 and £2,500. In serious cases the court could exercise its discretionary powers to impose a disqualification from driving.

So you should stick to using a hand free phone instead then? Well, this depends. There is an offence of "Driving without Due Care and Attention" which you could still be guilty of if using a hands free phone – after all if you are distracted by the phone you are not driving with due care and attention.

So what should you do? The best thing is not to use a mobile phone at all whilst the car is turned on, even if you do have a hands free kit. If you are an employer you should expressly direct your staff not to answer the phone if they are driving and consider making this an express clause in their contract of employment.

And remember although 3 penalty points may not seem too bad in the

circumstances, as a probationary driver (the first 2 years after passing your driving test) should your driving licence attract 6 points in those first 2 years your driving licence will be revoked by the DVLA and should you be unlucky enough to acquire 12 points within 3 years then the court would be looking to disqualify for a minimum period of 6 months

Of course this is all relating to the UK. In some countries it is illegal to talk on a mobile phone even with a hands free kit so if you are travelling abroad make sure that you check the law of that country before travelling.

If you want to have more information or if you are caught using a mobile phone whilst driving please contact Caroline Dunne on 01628 600853 or cad@chebsey.com

Spain



AIPP Membership

We are delighted to announce that we have been accepted as members of AIPP (The Association of International Property Professionals). Although as English Solicitors we are regulated by the Solicitors Regulation Authority you may be surprised that the overseas property market is largely unregulated. Therefore pretty much anybody can set up a business selling overseas property without having any form of regulation.

The AIPP (www.aipp.org.uk) was set up to bring regulation to the overseas property market. Whilst we have no obligation to become members we feel that the work that they are doing to improve standards of professionalism in the industry is worth supporting. If you are thinking about buying a property abroad look out for the AIPP logo.

Renting out Spanish Property

If you rent out Spanish property long term then you should be aware that at the beginning of this year a new law was introduced which makes it quicker for Landlords to remove undesirable tenants. In the past getting somebody out of your property, even if they hadn't been paying the rent, could take a long time (sometimes over a year!).

Effectively the new law introduces a new system which should speed things up and make it possible to remove tenants more quickly. The new system halves the rental default time for a tenant down from 2 months to one month before eviction proceedings can start. The new procedure is being called "Desahucio Expres" or "Eviction Express". In theory the eviction procedure is also speeded up with the use of verbal proceedings, but we wait to see in practice how effective this turns out to be.

The tenancy laws in Spain are still much in favour of the tenant but this new law is being seen as a step in the right direction for landlords who felt that it was too difficult to evict a tenant even if they weren't paying the rent.

For further information contact Diego Rubio (01494 689280 or drm@chebsey.com) or Peter Esders (01494 689283 or pje@chebsey.com)

Family



Valentines Day

The Family department would like to take this opportunity of reminding everybody who is in a relationship that Valentines Day is coming up. If you haven't made plans for that somebody special in your life you are now rapidly running out of time.

January is traditionally the busiest time for divorces (the stress of Christmas, financial burdens etc) so if you have managed to survive that don't blow it all on forgetting Valentines Day. Don't say that you haven't been warned!

Seminars and Future Events

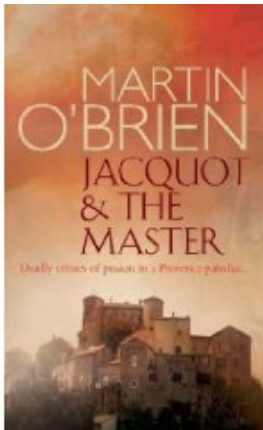
New series of seminars

From March / April we intend to run a series of regular seminars on various different legal aspects. The programme will be published in the next edition of this newsletter and on our website. We hope that you will find them interesting, informative and maybe even fun.

If you have any particular areas of law that you would like us to cover in one of our seminars please let us know by sending an email to pje@chebsey.com

We will also be holding a Charity Quiz Night in the Spring, details of which will be announced closer to the time.

Something fun



A Bookworm Review By Jeff Thomas

"Jacquot and the Master" (Martin O'Brien)

In a sensual region of France, Chief Inspector Daniel Jacquot of the Cavillon Regional Crime Squad is called to an artist's retreat in Provence, a luxury hill-top hotel where it seems a young woman has been murdered. There are bloodstains, but no body. The mystery deepens as Jacquot begins his investigation. Among the guests are those who have both means and motive, with personal secrets, hidden agendas and their own dangerous liaisons to conceal. Some of these people are very powerful indeed, and none of them take kindly to Jacquot's probing questions. Looming over them all is a celebrated and reclusive artist whose masterworks are priceless, a monster who torments all those who seek to bask in his glory. When a summer storm isolates the hotel, and not one but two bodies are found, passions start to run high...

Review

Martin O'Brien's love of France is obvious in this, his third novel to feature French detective Daniel Jacquot. It is here in a luxury hotel that O'Brien brings together an interesting and diverse group of people, each with their own baggage of secrets, agendas and aspirations, and all stranded there as a result of a raging storm.

The book evokes a wonderful sense of Provence, its people, its climate, its food and its culture, all woven around an excellent story that includes murder, lust, illegitimate children, euthanasia and a fledgling love affair.

All in all, a thoroughly entertaining murder mystery.

Past events / Charity / Sponsorship



Beaconsfield Cricket Club

We are delighted to be able to announce that Chebsey & will be continuing to be Main Sponsors of the Beaconsfield Cricket Club for a further year. Even though we are a while away from the season starting again we wish the team every success in it's off season training and in the season ahead. We will be there cheering the team on at the matches and hope that you will come along and support them as well.

Young Player of the year

We were also pleased to sponsor the Beaconsfield Cricket Club Young Player of the Year award at the BCC Annual Dinner and Awards, which took place at Stoke Park on 20th November 2009. The award for Young Player of the year went to David Heavyside, which was a much deserved and a popular choice.

Lawyer profile Keith Chebsey



Mr. Keith Chebsey

Each month we intend to run a profile of one of our lawyers just to prove that we are human as well as being lawyers. Even though it means having two pictures of him on this newsletter how could we not start with our Chairman?

Keith was born in Preston. After Hutton Grammar School, he went to Bangor University where he studied Accountancy and Financial Administration before entering full time employment in the field of accountancy, first in private practice and then in the Magisterial Service. It was the Magisterial accountancy role where he was encouraged to retrain and qualify as a Solicitor

Keith has practised as a Solicitor in Beaconsfield for more than 21 years. His specialist areas are Crime, Regulatory, Road Traffic, Data Protection and Entertainment Licensing.

Q. Why did you become a lawyer?

A. Even though time has gone past quickly it is such a long time ago that I have forgotten!

Q. What is your favourite lawyer joke?

A. The Ministry of Injustice

Q. What gets you up in the morning?

A. My wife

Q. What is your passion?

A. Sport (Tennis, Football (particularly Preston North End Football Club), Rugby and Cricket) and holidays

Q. Which famous person, dead or alive, would you most like to spend a day with?

A. As Chairman am I allowed two? In that case I will choose one dead and one alive. Winston Churchill and Roger Federer

Q. Tell us an interesting fact about yourself.

A. I have never read a book from cover to cover yet somehow managed to pass my exams.

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