

Is no fault divorce finally here?

Lauren Thornhill, Solicitor



Currently the only ground for divorce in England and Wales is that the marriage has irretrievably broken down. To show this a petitioner needs to rely on one of five factors, namely adultery, unreasonable behaviour, two years separation with both parties consenting, desertion or five years separation. According to the Office for National Statistics, unreasonable behaviour was the most common reason for opposite sex couples divorcing with 52% of wives and 37% of husbands petitioning on these grounds.

This figure is particularly worrying as relying on adultery, unreasonable behaviour or desertion means that the petitioner has to place blame on the other party. This is often difficult for spouses, especially when both are in agreement that divorce is the best way forward for them. Placing blame and wrongdoing on the other party can be difficult for families and serves only to increase the level of conflict at what is already a difficult time.

However, at long last the tide appears to be turning and there are strong calls to bring this area of law into modern times.

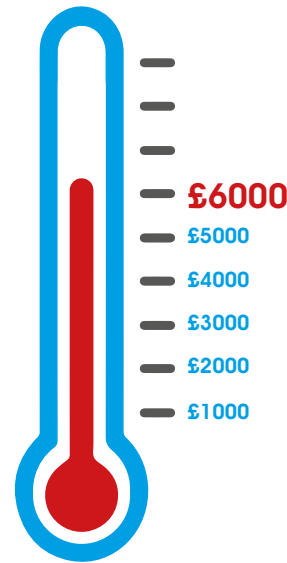
The Ministry of Justice has recently published a consultation paper on the reform of the legal requirements for divorce. The government is now proposing to remove the necessity to allege fault, something which has long been campaigned by lawyers and various bodies within the legal sector, including ourselves.

The proposals for divorce would retain the ground for the irretrievable breakdown of the marriage but would remove the need for the petitioner to evidence the other spouse's conduct.

The consultation closes on 10th December and who knows, this time next year we could have a new system for divorce in England and Wales which means that divorcing couples do not have to seek to blame one another. **Watch this space!!**

Charity of The Year Update

As you will be aware from previous newsletters, throughout 2018 we have been proud to support OPAL, a charity who provide a range of services and activities for older people in the local community. Following on from the hugely successful Sandstone Trail event held in June, we have held a Halloween fundraiser, organised an afternoon tea at the Forest Hills Hotel and enjoyed a theatre performance at Eaton Hall. We are delighted to confirm that we have now raised over £6000 for OPAL! Further events are planned in the run up to Christmas and we look forward to announcing the final total in the New Year.



Firm Retains Lexcel Accreditation

Rowlinsons Solicitors have once again retained their Lexcel Accreditation, the Law Society's Practice Management Standard.

The firm have now held this accreditation since 2009, which is only awarded to law firms who operate to the highest level of client care and business management standards.

The independent Lexcel Audit covers all areas of the practice: including client care, structure and strategy, financial management, Information Technology, Human Resources and risk management.

Andrew Graves, Managing Director, said: "Maintaining the standard is always a high priority for Rowlinsons and something we are very proud of, having retained it for 9 years. Only a small percentage of law firms hold the accreditation and achieving the same demonstrates that we meet the highest standards of practice management and client care."

The audit itself lasted for three days and included a number of interviews with staff at all levels within the firm. In particular the assessor commented on the knowledge and expertise of our staff, the success of our second office opening in Sutton Weaver and also our Charity of the Year Initiative with OPAL Services."



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Our opening hours are:

Monday - Friday 8.30am to 5.00pm

Tuesday and Thursday 8.30am to 7.00pm
(By appointment only at Rowlinson House)

Saturday 9.00am to 12.30pm
(At 9 Church Street, Frodsham Office)

Visit us online at www.rowlinsons.co.uk

A brief update

Rowlinsons
SOLICITORS

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National Law Society Awards Winner



Pictured: National Law Society President Christina Blacklaws, Sponsor, Rowlinsons team, Tom Parkinson, Kirsty Poston, Donna Eland, Andrew Graves and BBC news presenter Mishal Husain.

Rowlinsons
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- Commercial Law
- Commercial Property
- Residential Conveyancing
- Employment
- Family Law
- Wills, Probate & Estate Planning

What a year!

An amazing year for Rowlinsons has been finished off in style as we were honoured and delighted to be announced as winners of the 'Excellence in Private Client' award at the Law Society's prestigious Excellence Awards in October.

The event was hosted by BBC news presenter, Mishal Husain and took place at the Grosvenor House Hotel on Park Lane in London with 1000 people from the legal profession in attendance. The Excellence Awards shine a light on outstanding work in the legal sector and recognise the incredible achievements of individuals and teams who have gone above and beyond what is expected of them. They are entered by a wide range of practices from across the country and include some of the largest firms in the world so to win the award is a significant achievement.

The category covers a broad spectrum of work including wills, probate, trusts,

tax planning, Court of Protection and mental capacity issues.

Andrew Graves, Managing Director commented: "Receiving this award is a fantastic reflection on our Private Client Team and the services that they provide to our expanding client base."

Our legal and technical expertise is of course central to what we offer, and we are fully committed to our Law Society accreditations which help us to ensure that we offer a quality service. We aim to make ourselves as accessible as possible to clients, by offering extended opening hours including Saturday mornings, free initial consultations, free will reviews and home visits. The combined effect of these initiatives has set us apart from the competition, putting the Department at the forefront of Private Client work in our region."

The accolades didn't stop there though as we also recently attended the inaugural British Wills & Probate Awards where we were highly

commended in the Solicitor Firm of the Year category. The awards were presented by broadcaster and journalist Jennie Bond, who kept the audience entertained with anecdotes from her time spent with the Royal Family as well as her appearance on 'I'm a Celebrity Get Me Out Of Here'!



Pictured: Rowlinsons directors Tom Parkinson and Andrew Graves with Jennie Bond

Rowlinsons receive Gold Award for Fundraising

Rowlinsons were delighted to be recognised by Cancer Research UK after generating over £2.3 million worth of legacies from people choosing to leave a gift to the charity in their will.

Donna Eland, Director and Head of the Private Department, was presented with a gold certificate to acknowledge the fantastic contribution from Rowlinsons. The firm have been offering the Free Will Service to people aged 55 and over in the local area for the past 2 years, giving advice and support for those wishing to write a will or update an existing one. As part of the service Rowlinsons provide guidance for those wishing to leave a legacy gift to Cancer Research UK.

Donna commented, "We are delighted to be working with Cancer Research UK and to offer their Free Will Service to our clients. Everyone knows someone who has been touched by cancer, so this is a cause close to the hearts of many of our clients. This is reflected in the very generous gifts made to Cancer Research UK in the wills which we have prepared under this scheme."

Clare Moore, Director of Legacies at Cancer Research UK, explained: "We all reach a stage at some point in our lives where we start to look ahead and consider what will happen to our financial affairs in the future when we may no longer be around."

By offering Cancer Research UK's Free Will Service Rowlinsons have become well informed about our work and are very supportive of our life-saving research. Whenever their clients express a desire to support us, Rowlinsons staff act with great sensitivity as they explain the various options and allow individuals or families to make the right choice in their own good time.

It's quite astonishing to think that by simply combining enthusiasm with the highest professional standards Rowlinsons has helped secure over £2.3m worth of legacy gifts, which will go a long way towards helping our scientists, doctors and nurses to beat cancer sooner."

If you would like to make an appointment under the Free Wills Scheme, please contact us on 01928 735333. The scheme is available all year round and is open to anyone over 55, covering a basic single Will or mirror Wills.



Pictured: Rowlinsons Private Client Team with Helen Soutar from Cancer Research UK.

Megan is top of the class



Pictured: Donna Eland, Megan Renshaw

Megan Renshaw who works in our Private Client Department has received a Worldwide Excellence Award from STEP, having achieved the highest mark in their Advanced Certificate in Administration of Estates exam.

"I'm absolutely thrilled to have received this award. The courses and exams run by STEP are extremely challenging, with the Administration of Estates Certificate covering everything from assessing the validity of a Will through to dealing with complex estates. There is a very practical perspective throughout though and I'm looking forward to applying this knowledge to help clients in the future" said Megan.

STEP is the global professional association for Solicitors who specialise in family inheritance and succession planning. Members of STEP are highly trained and experienced in this complex area of law.

Donna Eland, Head of the Private Client department commented: "It has been a fantastic year for Rowlinsons and the Private Client Department in particular. We have already had great success last month at the Law Society's Excellence Awards and the British Wills and Probate Awards, and this outstanding achievement by Megan is the icing on the cake. It's a testament to her hard work and dedication as these exams are notoriously difficult and once again highlights the quality of advice we're able to offer."

Law in Action

By Tom Parkinson, Director and Solicitor



Rowlinsons Property Department recently pulled out all the stops with a new build property purchase, helping a young family save thousands.

Whether you are a first-time buyer or looking to purchase a better property, new-builds are undoubtedly an attractive option. They are often modern, light, contemporary and chain-free so there is plenty to get excited about.

However, from a legal perspective, it is a common misconception that they are much easier to purchase. This is not always the case and new build homes require just as much, if not more attention as a well-built second hand home. A further misunderstanding can happen when a new build property is purchased on a large site of several hundred homes with many of them having already been purchased. Often there is a belief that as the legal work has already been carried out by many different solicitors on the purchased properties, then it shouldn't need to be carried out again for subsequent purchasers. This is a trap that many purchasers and even some solicitors can fall into.

Only this Spring were we able to help a newly married couple with a new born baby. They were living in less than ideal rented accommodation and purchasing a new build apartment from a Developer that we had not previously come across. Our clients were putting all of their hard earned savings and inheritance into the purchase of the apartment and understandably were very keen to purchase the property and move in as quickly as possible.

As soon as we received the legal documentation from the Developers Solicitor we commenced work for our clients. Despite being aware that it was the twentieth apartment in the block to be purchased, we still applied the same high level of due diligence in respect of our legal work as we would for any other type of property.

After careful consideration of the documentation and subsequent meetings with the Developers Solicitors it transpired that we were the only law firm representing a purchaser to correctly identify that the construction of the apartments did not have any initial Building Regulation approval. The initial application by the Developer had in fact been rejected by the Local Authority and we discovered documentary evidence to this effect. It was also the case that Completion Certificates could not be issued on the completion of each individual apartment. This was due to the Local Authority not being satisfied with the method of construction of the apartments and many essential works being left incomplete which the purchasers were not aware of.

Had our clients proceeded without this being identified and addressed, the property could have been unmortgageable and unsaleable. Plus if the property had not been constructed to the correct standards this could have resulted in large repair bills for our clients and possibly the loss of their life savings and family inheritance!

Our work did not end there, however, as our clients were in a desperate position with their new born baby and needed to proceed quickly. We therefore continued to question the Developer who did eventually admit that our findings were correct and owing to the pressure we applied came up with a solution. It was agreed between us, the Local Authority and the Developer that the Developer would return to the site immediately to complete the outstanding works at no expense to the residents. This would ultimately allow our clients' purchase to take place.

This was a great result for our clients (and inadvertently the other residents of the estate!) who were then able to move into the property knowing that it was safe and risk free. Most importantly they were able to enjoy their new home as a family. Despite the fact that twenty other purchasers had been through the legal process, it highlights the importance of appointing an experienced firm of solicitors to handle the legal work. In this instance we were able to save our clients thousands, ensuring they had peace of mind and avoiding the stress and aggravation of having to resolve all the above issues after they had moved in.

Buying a Property?

Whether you are buying your first apartment, a luxury property of your dreams or a new family home – moving home can be daunting but it can also be a surprisingly easy and straightforward experience.

Our team of expert property lawyers will act promptly on your behalf, making the conveyancing process as simple and stress-free as possible. We are dedicated to helping you every step of the way and you can be sure that we'll do all we can to speed along the conveyancing process so that you can be in your new home as quickly as possible.

For a no obligation estimate and discussion please contact us on **01928 735333** or email **info@rowlinsons.co.uk**.



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