

Who can you trust?

How to write your will in 5 steps

Hear from experts at new community coffee mornings

Find out why unmarried couples living together have fewer rights

Getting through difficult times

How to stop nuisance calls



The lowdown on new inheritance tax relief...and much more

Who can you trust?

Identity fraud, cold calling, lasting powers of attorney, dementia tax - in a world that is becoming ever more complicated, at Stone King we realise it is getting harder to protect ourselves and know who to trust.

This year we are looking at ways we can help, starting with a number of informative community coffee mornings on a range of topics with relevant guest speakers. Come and learn how to protect yourself online, stop unwelcome calls and much more. For more information on these coffee mornings and if you would like to attend one, **please fill out the enclosed form and let us know.**

In this issue we also include several articles that we hope you find helpful on topics such as tackling the sensitive issue of drafting lasting powers of attorney, how to write your will, international property and how to cope when a loved one is diagnosed with dementia, as well as some handy telephone numbers and 'things to think about'.

If you find this newsletter useful and would like to occasionally hear more from us, you will also have to **let us know either by filling in the enclosed form and returning it in the pre-paid envelope, or by sending us an email to events@stoneking.co.uk**. This is because of new regulations coming into force in May this year, which will help all of us avoid unwanted communications. This rightly means that businesses must respect your privacy and not contact you without your permission.

We do hope you enjoy our newsletter and that you would like to hear from us again.

Thank you,

Alison Allen

Head of private client sector, Stone King LLP



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Community Coffee Mornings - with guest speakers

We are inviting experts from a variety of organisations, including Age UK and the police, to join us for a series of coffee mornings. They will give advice on a range of topics, including keeping safe online, how to avoid bogus tradespeople coming to your front door and other helpful subjects.

Our coffee mornings will take place at the BRSLI, 16-18 Queen Square, Bath BA1 2HN from 11am to 1pm on:

Thursday 22nd February

Wednesday 18th April

Tuesday 19th June

Please indicate in the enclosed form which of these you would like to attend

Stay up-to-date

If you would like to hear from Stone King to find out about future Community Coffee Mornings and receive our occasional newsletter with articles and practical advice, please fill in the enclosed form and return it in the pre-paid envelope, or send us a quick email to events@stoneking.co.uk. Otherwise we will not contact you again.

Top Tips on...

How to stop nuisance calls

Do you find yourself getting bombarded with cold calls? Register with the Telephone Preference Services (TPS) to stop this happening. It is a simple process and all you will need to do is register your landline or mobile number for free online or by calling 0345 070 0707.

Keeping safe from bogus doorstep callers

- All electricity, gas and water companies have a doorstep password. Set up a password with each of them so you know that when they call they have to provide these details
- Use a door chain or a spy hole
- Try not to keep large amounts of money in the house
- Keep rogue traders to your house at bay by ensuring they have proper identity. Do not let unverified doorstep callers do work for you.



Did you know?

The bank of mum and dad: With house prices rising faster than people can save, parents are stepping in. Parents were predicted to lend more than £6.5bn in 2017 to help their children get on the property ladder, making the bank of mum and dad the country's 9th biggest mortgage lender. Grandparents are also helping. A poll carried out by Which? found that 72% of grandparents polled were giving financial support to grandchildren at university.

Getting through difficult times

Have you just had the news that a loved one has been diagnosed with dementia and are not sure what to do? Do you need to make a lasting power of attorney but not sure how to?

Below is a real life experience to show how we can help you in these circumstances.



Where to turn to in time of need?

When Miss A's elderly mother was diagnosed with dementia, the family found themselves with a number of questions they needed answering and no one direct person for them to turn to for help. They were also faced with the possibility that their mother would ultimately have to go into a care home and had no idea what was involved in this process. Through the Local Authority they were appointed a social worker who assessed their mother's needs and carried out a means test to calculate what her liability was for paying for care.

There were also the legal aspects to look at, including their parents' will, which had not been updated for 20 years and would now need amending. They also faced the possibility of needing a lasting power of attorney to be able to make decisions about health and finances on behalf of their mother. For this, they contacted

a specialist at Stone King who was able to advise them and make sure they had thought of everything. Stone King were also able to check that their mother was receiving all the support and funding to which she was entitled. It is safe to say that once they were put in touch with the right people, the family felt that they were getting the support they needed to help them through this very difficult time.

More advice on dealing with a loved one who is diagnosed with dementia can be found on www.alzheimers.org.uk, www.rice.org.uk and www.ageuk.org.uk. If you are considering a care home for a loved one, there are organisations that can help. Stone King can guide you through this process.

Handing over responsibility

Are you thinking about making a lasting power of attorney? It is always prudent to plan for the unexpected but deciding who to appoint to manage your affairs in the event that you no longer can is likely to be a difficult decision. It's important you have the right relationship with your chosen attorney and that family and friend dynamics are considered. At Stone King we spend time talking this through with every



client to help you make the best choice for your circumstances. The earlier these conversations take place the better, as it allows you time to plan and decide what you want.

We can help you on a wide range of personal matters. We understand that you may be dealing with something for the first time and will support you through the whole process.

Did you know unmarried couples living together have fewer rights?

By Caroline Fell, Head of Stone King's Family and Mediation Team



Over 3 million people in the UK live with their partner and are unmarried. It's the fastest growing family type. According to the Office of National Statistics, almost half of the British public (47%) believe that couples who have lived together for several years have the same legal rights as married people. So it can be a shock to many who have invested years into a relationship only to find that, when it sadly ends, they may stand to walk away with nothing financially and have little legal protection.

Half of the British public (47%) believe that couples who have lived together for several years have the same legal rights as married people

When married couples separate, the Courts can arrange a wide range of financial remedies relating to the couple's capital, maintenance and pensions. In stark contrast, for unmarried couples Courts can't look into pensions or allocate maintenance for your own personal benefit. The only possible provision is financial support for any child of the family.

A couple's largest capital asset is usually their home, so what happens to it? Unfortunately, unless both are named as a Joint Tenant or a Tenant in Common on the title deeds, whoever is not named may not be entitled to a share of the property, even if it has been their home for many years.

It can be possible to establish a claim if you have contributed financially to the mortgage or initial purchase, but not by contributing to household expenses such as bills and food shopping. If you made a previous agreement that you would receive a share in the property and have acted to your detriment by relying on this agreement, you may also be able to stake a claim.

If there are children, the main priority will be to ensure they are adequately housed. If the person who will continue as primary carer does not have an interest in the property, they may still be able to establish a right to remain whilst the children are in education.

The dichotomy between married and unmarried couples is significant and there has been growing support among family lawyers to reform these laws. Resolution, an organisation that represents thousands of family lawyers and professionals in the UK, has been leading a campaign for several years. Part of this is an annual Cohabitation Awareness Week in November.

Property abroad? This is how complicated it can get...



By Dan Harris, Head of International and Cross-Border at Stone King

Carrying out a loved ones' wishes in their will can be a complicated process. But what if they have lived, worked and invested in several countries - and left no will? Here's a real example.

Mr Dunlop was born in England, schooled in Hong Kong and spent most of his working life in the UK. He was a project engineer who worked for a pharmaceutical giant in the UK and, three years before his death, he managed to transfer to an equivalent post in France. The dream had been achieved. He had a holiday home on the coast and bought a property in the Loire Valley, resolving never to live in the UK again. He was unmarried, had no children and spent his free time flying his light aircraft around France.

Two years later Mr Dunlop's employer closed their French facility. Shortly afterwards the world's economy was thrown into turmoil and Mr Dunlop took a 12-month contract in Dubai, keeping his home in France. Ten months later, having returned to France for a short holiday, he was killed in a light aircraft accident. Mr Dunlop had assets and

investments in Hong Kong, England, Scotland, the Isle of Man, France and Dubai. His family had no idea where to begin with the administration across six jurisdictions.

The complex matter involved obtaining court documents in common law, civil law and Sharia law jurisdictions, so that Mr Dunlop's assets could be collected and distributed. The key to which jurisdiction would govern the taxation and devolution (who gets what) of his estate would be the country where he was 'domiciled', which is not where he lived, or where he was born or his nationality. But should the case be made that he was domiciled in England, France, or even Dubai? Each had pros and cons in terms of costs, the level of inheritance tax and how long the process would take.

Ultimately, the best solution was France, however the 'moral' of the story is that if you have assets in even just one other country, it is prudent to take proper advice and have a valid and appropriate will in place.

The lowdown on... NHS Continuing Care

- NHS Continuing Care is care over an extended period of time funded by the NHS
 - It is available for people of all ages
 - If awarded this funding can cover the entirety of a persons care fees
 - It is not means tested
 - There is a National Framework to assess eligibility that covers 12 'care domains' and establishes the level of need
 - Your local Clinical Commissioning Group (CCG) makes the initial decision on eligibility
 - To appeal a decision, you can pursue a local review managed by the CCG
 - If this is not successful, you can apply to NHS England to refer the matter to an Independent Review Panel
- Knowing your rights and how to pursue an appeal can be complicated. We can help build your case, attend hearings and advocate on your behalf.



How to write your will - in 5 steps



By Kathryn Layzell, Senior Associate in Stone King's Trusts & Estates Team

A surprising number of people don't get round to writing a will. We are all busy people and because it can be a daunting document to think about it stays on the 'to do' list. But if you want to choose who to leave your assets to, it's important to have a will in place. Below are five simple steps to take you through what you need to do:

- 1** Work out roughly what you own and therefore what your will covers. Have an idea of the size of your estate and the value of your assets such as your home.
- 2** Decide who you would like to benefit and how much you would like them to have. Also think where you would like your estate to go if those you wish to remember die before you.
- 3** Appoint the right executor. The executor's job is to make sure all taxes and liabilities are settled and that your wishes as set out in your will are carried out. The best person to be your executor may not be your first choice. The task can be complicated and take time so it should be someone organised and responsible who you trust completely. Sometimes it is useful to appoint a professional to act as executor if your estate is complex or if you are making provision for your loved ones using trusts.
- 4** If you have young children you will need to choose guardians who will look after them if something happens to you.
- 5** Seek advice. Seeking expert legal advice is not a requirement, but for such an important document it is crucial to get it right. A good lawyer will listen, understand your circumstances and help you allocate your assets in the most appropriate and tax-efficient way, ensuring the best outcome for your loved ones. They would also guarantee your will is watertight to avoid unforeseen circumstances, such as an unexpected claimant. We can help you and have the expertise to guide you through this process, step by step, to make sure your loved ones are looked after in the way you wish.



New inheritance tax relief

- In April 2017 the main residence nil rate band was introduced
- It raises the threshold before inheritance tax is payable where a property has - at some point - been your main residence and is inherited on your death by your immediate descendants (including step children)
- The new relief could mean a total potential individual tax free amount of £500,000 (by April 2020)
- Review your lifetime planning to ensure that you understand and are making the most of the new main residence nil rate band.

Pre-Nuptial Agreement - yes or no?

- A Pre-Nuptial Agreement (PNA) sets out how a couple's finances should be divided in the event of divorce, avoiding potential dispute and high legal costs
- This is particularly recommended where there is disparity in existing or inherited wealth or for couples with children from a previous relationship
- PNAs should be drawn up more than 28 days prior to the wedding after full disclosure of the couple's respective financial circumstances and having obtained independent legal advice. The PNA should also ensure that both parties' needs are met
- It is at the Court's discretion whether to take a PNA into account
- Since a significant case in 2011, courts are increasingly willing to place weight on PNAs.

Contact Stone King to find out more and discuss

How can Stone King help you?

We offer a broad range of legal advice to individuals and their families. Whatever your personal circumstances, we offer support and guidance throughout life's journey that is tailored to your needs.

We provide practical legal advice in a way that you will understand across the full spectrum of services, including family law and mediation, personal tax, probate and estates, residential property and wills and estate planning.

We will invest considerable time to get to know you well and build a close working relationship with you so that we can offer a flexible, personal service.

If you have a question or aren't sure if we can help, contact us for a no-obligation discussion on 0800 111 4336.

If you would like to continue receiving our occasional newsletter or find out more about our Community Coffee Mornings, please return the enclosed form or send us a quick email to events@stoneking.co.uk. Otherwise you will not hear from us again.

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