

# LEGAL BULLETIN

## Domestic violence disclosure scheme – “Clare’s Law”

The rules surrounding Domestic Violence and Abuse have recently changed to allow people to request the police to check their partner’s previous history of Domestic Violence or violent acts. This is known as the Domestic Violence Disclosure Scheme or “Clare’s Law”, which is named after Claire Wood who was strangled by her boyfriend, George Appleton and set on fire at her home in Salford, in February 2009. The couple had met on the internet and Mr Appleton had a record of violence against women.

The checks also stretch to anyone who is worried about someone they know who is in a potentially abusive relationship and believe they are at risk of domestic violence and/or abuse.

The checks allow the police to look through the person’s criminal history/records and if they have reason to believe this person is a risk due to offences they may have committed or other information arising from their system, they can consider disclosing such background information to the potential victim. The victim can then make their own choice as to whether to continue in the relationship or not. More information and advice can be found on the Cheshire Police website: [www.cheshire.police.uk/advice--information/domestic-abuse/domestic-violence-disclosure.aspx](http://www.cheshire.police.uk/advice--information/domestic-abuse/domestic-violence-disclosure.aspx)

This also coincides with a further change and introduction of Domestic Violence Protection Orders (DVPOs) which help and provide support for victims who have been subjected to incidents of Domestic Violence and Abuse. They were implemented on the 8th March 2014. DVPOs can last for up to 28 days during which time an offender can be prevented from having contact with the victim and/or returning to the home where they have both lived.

This is designed to be a “filler” which provides immediate protection to the victim so it gives them enough time to think about their options and what to do next. We would advise the victim should always seek legal assistance from a solicitor to see what more permanent measures can be taken against an offender. For more information on this and generally in relation to Domestic Violence and Abuse, please consult the police website or visit: [www.gov.uk/domestic-violence-and-abuse](http://www.gov.uk/domestic-violence-and-abuse)

If you believe you are a victim of Domestic Violence and/or Abuse and want to know your options in terms of protecting yourself, your children and your home, then please call us on **01606 48777** to make an appointment to see one of our highly trained solicitors. We also offer public funding for those on limited means subject to meeting the criteria.

**IF YOU ARE UNABLE TO MAKE AN APPOINTMENT TO SEE US DURING THE DAY THEN WE DO OFFER A FREE DROP IN LEGAL ADVICE CLINIC EVERY TUESDAY BETWEEN 8-9AM AND 5-6PM AND EVERY THURSDAY BETWEEN 5-6PM.**

**We also have a new free family law drop in advice clinic at Wharton Children’s Centre in Winsford which takes place every Monday between 11am-12noon. We can supply advice in relation to family law topics such as divorce, separation, children matters and care proceedings. No appointment necessary.**



## Employment law changes – April 2014

The following employment law measures came into force on 6 April 2014:

### Financial Penalties for employers who breach employment law

An Employment Tribunal (ET) now has the discretionary power to impose a financial penalty on an employer who is found to have breached a worker's employment law rights where the breach has one or more aggravating features. The penalty will be 50% of any financial award, with a minimum penalty of £100 and a maximum of £5,000. The sum payable will be reduced by 50% if the penalty is paid within 21 days.

### Acas early conciliation

All those wishing to bring an ET claim must first send details of their dispute to the Advisory, Conciliation and Arbitration Service (Acas), which will offer the parties the opportunity to

settle the matter through a new, free service called Early Conciliation. If the offer is refused or the attempt at conciliation fails, the claimant will be able to proceed with their claim.

### Discrimination questionnaires

The statutory discrimination questionnaire procedure has been abolished and replaced with non-statutory guidance from Acas, 'Asking and responding to questions of discrimination in the workplace', which can be found on the Acas website at [www.acas.org.uk](http://www.acas.org.uk).

### Statutory pay rate increases

The rate of Statutory Maternity Pay, Statutory Paternity Pay and Statutory Adoption Pay has increased from £136.78 to £138.18 for payment weeks commencing on or after 6 April 2014. In addition, the rate of Statutory Sick Pay increased from £86.70 to £87.55.

## Couple jailed for misappropriation of elderly woman's assets

The wisdom of having professional legal advice has yet again been made clear following the conviction of a couple for defrauding the estate of an elderly woman out of a six-figure sum.

The woman had made her god-daughter's husband a co-signatory to her bank account when she was admitted to a care home. At that time, the balance in her account was £130,000.

Within two years, the couple had abstracted more than £90,000 of her funds. As well as withdrawals from her bank account in order to finance home



improvements and other personal expenditure, the couple also stole her pension and rented out her house, retaining the rental income for themselves. They claimed that the woman had told them to spend the money as they wished.

The couple were found guilty and jailed for two and a half years.

Appointing a solicitor to deal with your affairs should you become unable to do so has clear benefits in order to safeguard against problems and make sure your assets are looked after properly.

**Lasting Powers of Attorney are a particularly good means of appointing the right people to safeguard your affairs. Please contact Hugh Lewis-Morgan or Karen Barlow for further information.**

## Private residence 'Deemed residence period' reduced

The UK tax system has traditionally exempted any profit on the sale of a person's principal private residence (PPR) from Capital Gains Tax (CGT). The exemption applies to make any gain accruing during periods of use as a PPR exempt from charge.

A property which has been used as the taxpayer's PPR for part of the period of ownership, but not all, may therefore attract a charge to CGT.

One valuable relief is that the last three years of ownership of a property have been deemed to be a period of actual residence whether or not the owner(s) actually resided there.

With the logjam in the property sales market now clearing, the Chancellor of the Exchequer sprung a surprise in his Autumn Statement by reducing the 'deemed actual residence' period to 18 months for sales which take place after 5 April 2015.



**Susan Howarth  
& Co. solicitors**



41 CHESTERWAY, NORTHWICH, CHESHIRE, CW9 5JE

TEL: 01606 48777 FAX: 01606 49777

EMAIL: [INFO@SUSANHOWARTHSOLICITORS.CO.UK](mailto:INFO@SUSANHOWARTHSOLICITORS.CO.UK)



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[www.susanhwarthsolicitors.co.uk](http://www.susanhwarthsolicitors.co.uk)