



October 2019

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Court orders against LPA attorneys reaches all time high

Legal action by the Office of the Public Guardian (OPG) against LPA attorneys has more than doubled over the past two years, with over 700 cases in 2018/19. This is due to financial misconduct becoming increasingly common amongst attorneys, such as not acting in the donor's best interests and taking improper gifts. Sometimes of course, the attorneys haven't taken advice and have acted in innocence – but the Court will still impose sanctions.

As the OPG can only take legal action against active attorneys, this suggests that many misconduct cases have gone undisciplined as they are only discovered after the donor's death, at which time action can still be taken by other courts and agencies such as HMRC and the police.

This is why it is so important to choose attorneys whom you trust to act in your best interests – and to take suitable advice. If you need help deciding whether you should appoint a family member, friend, or professional as your attorney, please contact one of our team below.

- Carolyn Bagley on 01908 247015 or [click here](#) to email Carolyn.
- Francesca Rossi on 020 7400 5037 or [click here](#) to email Francesca.
- Rachel Hawkins on 01604 463165 or [click here](#) to email Rachel.
- Alexandra Francis on 01223 447422 or [click here](#) to email Alexandra.



Rise in unusual items buried in coffins

A survey of 4,000 adults by the Co-Op found an increase in unusual items being buried in coffins. They ranged from food, such as a Chinese takeaway and pork pie, to costumes, such as a Wizard of Oz costume and clown shoes. They also included hobbies, such as a violin, a guitar, and a set of skis, and the modern-day necessity of a mobile phone. For 12% of those surveyed, a bottle of their favourite alcoholic beverage was essential. Most unusually, one of the participants wanted to be buried with an Argos catalogue.

The majority, however, chose more sentimental items, with almost half wanting precious photographs of family and friends buried with them. 27% wanted a teddy bear, 22% wanted jewellery, and 17% wanted to take their love letters with them.

Whether you want sentimental items buried with you or items that represent your personality and would make others laugh in a time of mourning, please contact one of the team below who can help make your wishes known in your Will.

- Carolyn Bagley on 01908 247015 or [click here](#) to email Carolyn.
- Francesca Rossi on 020 7400 5037 or [click here](#) to email Francesca.
- Hauke Harrack on 01604 463131 or [click here](#) to email Hauke.
- Elizabeth Herbert on 01223 461155 or [click here](#) to email Elizabeth.



November Budget cancelled due to Election - but hints next one may change IHT

Sajid Javid had hinted that the next Budget may change inheritance tax (IHT). IHT reform had also been echoed by Robert Jenrick, Secretary of State for Housing, who described the current law as 'fundamentally unfair and particularly unpopular'. However, he didn't mention that it is one of the easiest and most cost-efficient taxes for HMRC to collect.

Keep checking our website and subscribing to our HTML to [keep up to date](#) with any changes to IHT that may affect you and your family.



Court will intervene to break deadlock between Trustees

In the recent case of AB v CD (2019), the Court ruled that if Trustees cannot reasonably act together to make decisions, the court can confiscate, and take over, their powers.

In this case, the Trustees were in a continuing dispute over how to distribute the assets of a discretionary trust amongst the six discretionary beneficiaries. The High Court made the remarkable decision to break this deadlock by exercising the discretionary power themselves.

If you and your fellow Trustees are having trouble reaching decisions together and there is the risk that this may continue, please speak to one of our team below who can advise you on how to work together and avoid any litigation.

- Tiffany Benson on 01604 463340 or [click here](#) to email Tiffany.
- Lucinda Brown on 01223 532721 or [click here](#) to email Lucinda.



Mince Pie Charity Event on Friday 6 December 2019 at Elgin House, Northampton

If you would like to join Hewitsons for our charity event on Friday 6 December 2019 involving an abundance of mince pies and Christmas spirit, please contact kiaradalal@hewitsons.com to be added to the guestlist.

From 10:30 am to 4:30 pm we are hosting a collection of “toiletries and toys” (and winter scarves, handbags, and many other items!) to help the Northampton Women’s Aid Refuge, Eve. Eve has supported and rescued thousands of women and their children from domestic abuse. With statistics showing that two women every week in the UK are killed by their partners, they need our support to continue this life-saving service.

We plan to support Eve in our regular festive fashion – mince pies, mulled wine (or coffee/tea), and of course a chat. For more details on our website, please [click here](#).

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