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#### **Beecham House – the Delhi Downton?**

We find interesting parallels and contrasts from life in India in the 1700s to present day life and family problems. To read our weekly series of short articles about the episodes click the [link](#).

#### **Are you eligible for an LPA fee refund from the OPG?**



In our February update we featured your right to claim LPA refunds, which can be found [here](#). In summary where an LPA was registered between 1 April 2013 and 31 March 2017 clients can apply for a partial application fee refund.

We recently received this feedback from clients:

"A little while ago your newsletter carried an item about reclaiming excess expenses incurred in setting up LPAs. My wife and I both applied for refunds and have just received around £75 each. Thank you for carrying this item."

It takes about 10 minutes to complete the online application. You would simply need the donor's bank details and a copy of the LPA. Application can even be made where the donor has since died. If you need help or more information about making

Alexandra Svennevik  
Solicitor

a claim, please contact Refunds Helpline on 0300 456 0300 or email [poarefunds@justice.gsi.gov.uk](mailto:poarefunds@justice.gsi.gov.uk).

For more information on making an LPA, if you don't yet have this protection in place, please contact Alexandra Svennevik on 01604 463342 or [click here](#) to email Alexandra.

### **Court of Protection: Financial institutions now regularly question Deputyship orders**



Alexandra Svennevik  
Solicitor

Persons appointed as a deputy by the Court of Protection are reporting difficulty dealing with employees of financial service providers, utility companies and local authorities, say experts. Institutions regularly question the validity of a court-appointed Deputyship for a person who lacks mental capacity, often asking (not unreasonably) to see the sealed court order, but then not knowing what it is they are seeing.

To deal with this the UK Regulators Network published guidance notes which were written in collaboration with the Office of the Public Guardian. It aims to make things easier for policy makers and utility companies who have become more risk averse.

The guidance provides examples of what a valid court order looks like, whether an office or certified copy is needed and when they can be certain that it should be used.

To avoid all of this we recommend that our clients take the precaution of creating LPAs, as a registered and certified copy of an LPA is more widely recognised by financial institutions and utility companies. Not to mention avoiding the great expense of a deputyship application and the ongoing involvement thereafter by the OPG.

For more information on making an LPA, if you don't yet have this protection in place, please contact Alexandra Svennevik on 01604 463342 or [click here](#) to email Alexandra.

### **Change to Wills notification service leaves Charities feeling frustrated**



Rachel Hawkins  
Senior Solicitor

The HM Courts & Tribunals Service announced they are changing its system for alerting charities when money has been left to them in someone's Will.

A new service is meant to be in place by the end of July, but charities have expressed their disappointment with a lack of detail about these plans. The Institute of Legacy Management (ILM) warned that charities could face delays in accessing tens of millions of pounds as a result of these changes.

Speaking at the ILM conference last month Ed Owen director of communications at HM Courts and Tribunals Service offered reassurance that the sector would be listened to. He said an interim arrangement for the notification service would buy time for a longer term solution.

Those who leave a legacy to a charity in their Will they may wish to consider notifying the charity themselves, especially if a sufficient system is not in place soon.

For more information on creating a Will please contact Rachel Hawkins on 01604 463165 or [click here](#) to email Rachel.

### **Agricultural tenancy reforms – to help Tenants but not Landowners?**



Stephanie Dennis  
Associate

There is a consultation seeking views on options for reform of agricultural tenancy law.

The plans include:

- Enabling tenants with Agricultural Holdings Act (AHA) agreements who have no natural successor to have the option to assign their tenancy to a new, unrelated tenant farmer. This would provide an exit route to older tenants seeking to retire by releasing the value of their tenancy. It would also provide a route for new tenants to enter the sector.
- Widening the pool of relatives that qualify to succeed on the tenancy to include nieces, nephews and grandchildren.

The reforms would also encourage landlords to grant longer farm business tenancies of ten years or more, Unfortunately for landowners, this might be by restricting entitlement to Agricultural Property Relief on shorter lets. The consultation will end on 2 July 2019. You can contribute your views by following this [link](#).

For ore information on the impact of this on you and your estate please contact Stephanie Dennis on 01604 463372 or [click here](#) to email Stephanie.

## Have Trustees' rights to refuse disclosure been undermined by the Dawson-Damer ruling?



Tiffany Benson  
Associate

The trustees of the Glenfinnan Settlement are being sued by Mrs Ashley Dawson-Damer and her two children, Piers and Adelicia, regarding the disposition of the trust's assets. In 2013, having failed to obtain disclosure under Bahamian law, the Dawson-Damers presented the firm, Taylor Wessing, with an English subject access request under s7 of the Data Protection Act 1998 (DPA 1998). This requires an organisation to disclose all the personal data it holds on the individual who made the request.

It would seem to be an indirect way of trying to find out the reasoning behind the Trustees' use of their discretionary powers.

The Court of Appeal issued an order for disclosure of personal data. The firm complied with the order for data held in electronic form, but refused to release data held on paper, on the grounds that paper files did not constitute a relevant filing system under the DPA 1998. However in the most recent judgement, the High Court rejected Taylor Wessing's argument, and ordered it to examine its paper files for relevant information to be disclosed. This could potentially be a huge undertaking if there is no successful appeal – though whether it will help the claimants is another matter altogether.

For more information on this, or on creating a Trust please contact Tiffany Benson on 01604 463340 or [click here](#) to email Tiffany.



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