

# NEWSBRIEF

SPRING 2010

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## No disputing the facts

page 3

### ALSO INSIDE

- Hang onto your goods, p2
- Be a World Cup manager, p3
- Reduce your tax liability, p5

WRIGHT HASSALL  
SOLICITORS

## Discovering temple secrets

Members of the Midlands construction community recently received an insight into how Leamington's £9 million Gurdwara Sahib temple was built.

Around 70 people gathered at the Gurdwara Sahib, in Queensway, to learn about the construction project, which was conceived in 1999. Construction started in 2008 and it was opened last October.

The seminar, organised as part of the

Wright Hassall Construction Law Bytes series, included talks from Dr Gurdev Singh – the man behind the concept, Phillida Turrell, of architects MCP Partnership and Harnam Ghatuara, of structural engineers GCA.

If you would like to receive details of Law Bytes seminars contact Caroline Venuto on 01926 886688 or email: [caroline.venuto@wrightshassall.co.uk](mailto:caroline.venuto@wrightshassall.co.uk)



*Dr Gurdev Singh (Gurdwara Sahib), Philip Harris (partner, Wright Hassall), Harnam Ghatuara (GCA), Phillida Turrell (MPC Partnership), Matthew Phipps (Wright Hassall) and James Button (Starkey Button).*

## Big deal goes through

Wright Hassall LLP has advised the shareholders of Cobent Limited on its sale to AIM listed Access Intelligence plc for £5.2 million. The consideration is made up of £3.2 million in cash and £2 million worth of shares of Access Intelligence.

Cobent, a leading supplier of training and compliance software, headquartered in Oxfordshire, will now become part of the Access Intelligence group of companies. The CEO of Cobent, Howard Sears, becomes a director of Access Intelligence plc.

Tim Goodman led the WH team assisted by Steve Halkett and Rita Rajput.

Field Fisher Waterhouse acted for Access Intelligence.

Tim Goodman said: "Both the M&A market and AIM are recovering from a

very difficult period and it is good to see the purchase of a profitable, high growth software company by an acquisitive AIM company through equity funding.

Cobent has been a long-standing client of the firm and we are very pleased to have been able to advise its shareholders on the sale. It is also further evidence of the capability of the Wright Hassall Corporate team."

Howard Sears, on behalf of the selling shareholders, said: "We are delighted to have completed the transaction in such a smooth and efficient way and appreciate Wright Hassall's support throughout the process. We now look forward to continuing the growth of Cobent within the enlarged Access Intelligence group."

## Goods for nothing – don't be caught out

**If one of your customers becomes insolvent having received, but not paid for, goods from your company, can you get them back? The answer is yes, providing you have a robust and applicable retention of title clause in your contract. This operates so that the ownership of your goods stays with you until the goods (and in certain cases, all outstanding debts of the customer) have been paid to you in full.**

Retention of title clauses can be enforced against a liquidator or administrator, who will either have to return the goods to you or make payment for the goods if they wish to use them. If you find out that your customer is about to enter into, or indeed is already in liquidation or administration, then it is crucial that you act promptly. You must inform the liquidator or administrator of the retention of title clause and take immediate steps to identify your goods. They will have no knowledge of the retention

of title provision, as such, you will need to demonstrate that the provision was properly incorporated into, i.e. applies to, the contract made between your business and the insolvent customer. Without such evidence, repossessing the goods will be an uphill struggle and, all too often, the administrator is able to demonstrate that the provision was not properly incorporated into the contract.

Wright Hassall can help you deal with the liquidator or administrator and, if necessary, help you obtain injunctive relief from the Court, which will prohibit the liquidator or administrator from using your goods without payment.

Please don't wait until your customer is insolvent. Now is the time to review your terms and conditions, or indeed put them in place. A retention of title clause will need to be tailored to your individual needs and a simple process adopted to

ensure that the provision is properly incorporated into the contract between you and your customer. We offer a free review of your existing terms and conditions and will be able to assist you in ensuring that you put in place retention of title clauses that will work for you.

If you are interested in having new terms and conditions drafted, or if you would like your existing terms and conditions reviewed, then please contact Christine Jackson on 01926 880774.

If you require assistance in dealing with a liquidator or administrator in enforcing your retention of title clause, then our insolvency team can assist. Please contact Petra Van Dijk on 01926 880784 or Andrew Harris on 01926 880772.

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## Corporate Liability Audit

Over the years we have written a number of articles exploring various ways in which business owners and partners can protect their business and/or prepare for retirement or sale. However, we appreciate that most owner managers rarely manage to find the time to stand back and take an objective view of the business, checking that it is appropriately structured, financed and secured for the future against an unexpected event such as the loss of a director or key member of staff.

A Corporate Liability Audit is one way of having an independent review of the financial liabilities your company may be carrying should you lose a key

shareholder or director/key member of staff and the consequences for the business. The audit will review what liabilities the business is exposed to including bank and directors' loans and any impact on trade and profits.

The audit will be presented as a written report confirming the liabilities and risks and recommending what action should ideally be taken.

If you would like more information about liability audits, and how they can help your business, please contact John Rouse on 01926 770743 or via email.

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## Play fair with staff over World Cup

Employers should use 'common sense' when their football loving staff ask for time off to watch England in their World Cup games this summer, according to Ian Besant at Wright Hassall.

The draw for the tournament in South Africa was revealed in December and will see England face the USA, Algeria and Slovenia in the group stages.

Employees are expected to rush to book off time to ensure they can watch the games – particularly England's clash with Slovenia which will fall during working hours.

But Ian, head of employment at Wright Hassall, said businesses would benefit more by being flexible with work time. "Should England progress, there will be knockout games at 4pm too – so it's likely the holiday requests will fly in," he said.

"The best way to avoid any conflict is to keep employees happy while making sure the business doesn't lose out. The way to do that is by talking to staff and adopting a flexible approach.

"Different employees will want different things. Some will be happy if they finish early so they can watch the game and will make up for the time later in the week.

"Others may want to book half-days or days off. I would suggest that the best approach it is to be as amenable as possible and try to accommodate people.

"This is a major event which means a lot to people, so if a business makes the effort to ensure its staff are happy with the arrangements, it will avoid conflict, potential sick days and could also be a morale boost.

"That may, however, depend on the results!"

## WH awarded 'delegated authority' status

Wright Hassall's dispute resolution team has been awarded 'delegated authority' to arrange insurance to cover the cost of litigation.

Wright Hassall has, for some years, shared some of the cost-related risks of litigation with its clients through a number of different funding options including Conditional Fee Arrangements (CFAs). The 'delegated authority' complements that service by allowing the firm to underwrite insurance policies to provide cover against the risk of paying an opponent's costs and is a natural extension to the cost-mitigation policy pursued by the firm.

Sarah Perry, head of the litigation team (pictured on the front page), said: "We've been offering a variety of innovative options for clients – a route offered by very few other firms. To be able to offer our clients delegated authority, not only says a lot about our reputation but, more importantly means that clients can operate in a risk-free environment in litigation.

"Win or lose, it reduces the cost of litigation significantly. It also means that clients are not priced out of taking legal action, and that is excellent news for our West Midlands region in particular."

## Wrotham gives confidentiality agreements more clout

It may be tempting to think it is safe to go ahead and breach a confidentiality agreement if the other party was unlikely to suffer any financial loss and the likelihood of their getting an injunction was slim.

However, a recent case heard by the Privy Council suggests damages may be awarded even though no actual financial loss has been suffered. Instead, damages may be awarded on the so-called 'Wrotham Park' basis.

What is the essence of 'Wrotham Park' damages?

- Damages are assessed based on the sum of money that might reasonably have been demanded by the innocent party in return for acquiescing to that breach.
- The approach requires a hypothetical negotiation between the parties to reach agreement on the price for 'buying out' such rights.
- Each party is to make reasonable use of their respective bargaining positions, but without seeking a ransom.

As such, while the actual sum for such damages may be difficult to guess at the outset, it could well be a significant amount.

The impact of this decision may come as a welcome comfort to those considering using confidentiality agreements to protect their valuable and confidential business data and information in all types of commercial negotiations, including also in the context of corporate sales and acquisitions (asset or share sale/purchase), new partnering deals, and in many other circumstances.

Wright Hassall offers advice on a broad range of commercial and corporate contractual matters. Contact Christine Jackson for an initial, no obligation consultation.

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# Triple tax whammy for high earners

Last year the chancellor announced a new 50% top rate of income tax for those earning over £150,000 a year. Regardless of who wins the next election, the pressures on tax revenues suggest, in the short term, the new top rate is here to stay. Whilst the headlines have focused on the new 50% top rate, the new income tax rules go a lot further and provide a triple whammy.

The new rules have a three way effect:

- the new 50% top rate for those earning income of over £150,000 per annum;
- tapered loss of personal allowances for those earning over £100,000 per annum;
- removal of higher rate tax relief on pension contributions for those earning over £150,000 per annum (subject to detailed rules).

Therefore anyone earning over £100,000 a year should review their income to see how their income can be restructured to avoid, or at least mitigate, the triple jeopardy.

Whilst the Budget also brought in anti-forestalling rules to prevent people making increased pension contributions to avoid the new tax charges, there are a number of strategies available for those affected to reduce their income tax exposure and preserve both of their personal allowances and higher rate tax relief on pension contributions.



Whether you are a business owner, executive or an employee there are a number of ways to plan your income and maximize your tax efficiency.

## For companies

Business structures should be reviewed to see whether they are tax efficient. Trading and professional partnerships should be reviewed to see whether incorporation to limited company status provides tax savings. Payroll and remuneration packages can be structured to make significant savings for both companies and employees. There are a number of approved schemes for drawing monies from a company in a highly effective manner.

Whether using salary sacrifice arrangements, employee benefit trusts or incorporation of a business, significant tax, national insurance and payroll savings can be made.

## Private individuals

Private individuals can plan their affairs to reduce their income tax liability. For married couples and civil partners, assets can be reviewed and assets passed between spouses and income sharing ratios of joint assets altered to ensure income yielding assets are weighted in favour of the spouse or partner with the lower income.

Wright Hassall's Asset Sharing Plan (see article on page 5) can help couples to change the ownership ratio of joint assets to make tax savings without the need to alter the title at the Land Registry or transfer the legal ownership of assets.

Individuals should seek to maximize their annual allowances in cash ISAs and stocks and shares ISAs to utilise their tax free allowances.

Over the coming weeks Wright Hassall will be providing advice and tax efficient planning for companies and private individuals to ensure income tax is minimized and tax relief and personal allowances maximized. If you would like to receive more information on how to minimize your income tax exposure or our income tax and national insurance mitigation strategies please contact John Dormer on 01926 884626 or John Rouse on 01926 880743 or via e-mail.

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## Wright Hassall employment and lecture series

### 25 MARCH 2010

Lecture: Mock Tribunal (Redundancy)  
Speakers: Ian Besant, Suki Harrar,  
Tina Cook and Toni Sharp  
Cost: £95.00 plus VAT  
Time: 9.30 - 12.30pm

### 15 APRIL 2010

Workshop: HR - Appraisal Workshop  
Speaker: Tina Cook  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

### 29 APRIL 2010

Lecture: Equality Bill  
Speaker: Ian Besant  
Cost: FREE EVENT  
Time: 3.30 to 5.30pm

### 13 MAY 2010

Lecture: HR - Health and Safety for Beginners  
Speaker: Tina Cook  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

### 10 JUNE 2010

Lecture: HR - Risk Assessment in the Workplace  
Speaker: Tina Cook  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

### 24 JUNE 2010

Lecture: Outsourcing and TUPE  
Speaker: Ian Besant  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

### 08 JULY 2010

Lecture: HR - Discipline and Grievance Workshop  
Speaker: Tina Cook  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

### 22 JULY 2010

Lecture: Maternity Law Updates  
Speaker: Ian Besant  
Cost: £95 plus VAT  
Time: 9.30 - 12.30pm

**For more information or to book a place at a workshop or seminar contact Caroline Venuto on 01926 886688 or email: [caroline.venuto@wrighthassall.co.uk](mailto:caroline.venuto@wrighthassall.co.uk)**

## Barry scores impressive century

The domestic cricket season may be a few months away but one local solicitor has notched a New Year century for Warwickshire.

Barry Sankey, of Wright Hassall, has completed 100 leases in 12 months for the University of Warwick Science Park, which has four sites across the region.

Barry started working for the embryonic University of Warwick Science Park in 1982, and has been their retained property lawyer ever since.

And the last 12 months have meant another busy year for both him and the sites, despite economic pressures.

"Given this was a year when many businesses have struggled, the innovative firms at the park have continued to grow and see the glass as half full," Barry said.

"We have completed 100 leases – for both new properties, expansions and renewals.

"We've always believed in regular communication with the tenants even though we act for their landlord and, as a result, we've found that many are committing to new leases to give their businesses a long-term agenda.

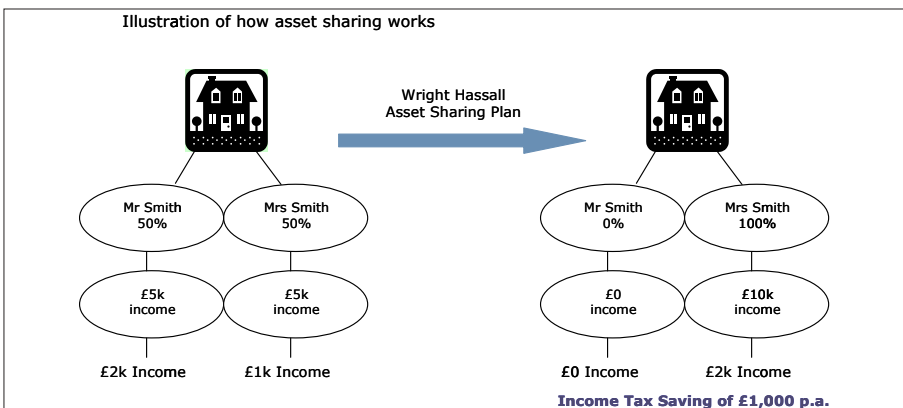
"I think that speaks volumes about what the Science Park offers tenants and it is no surprise to me that they seem to have ridden out the recession well."

John Barnes, manager of the Warwick Innovation Centre on Gallows Hill, said: "We have worked with Barry for 28 years and the relationship has always been good. We hope that 2010 goes as well as 2009."



John Barnes, of University of Warwick Science Park, with Barry Sankey.

## Asset manage and reduce tax



One way of saving additional income tax is by asset sharing. If you are either married or in a civil partnership and own a joint asset, and if either partner is a higher rate tax payer, you may be able to save tax if either of your personal allowances are not fully utilised via our Asset Sharing Plan.

If an asset, such as your property, is owned in your sole name, you can use the Plan to give your spouse or civil partner a share in the property without a formal transfer of the asset or alteration of the deeds at the Land Registry.

It works by altering the balance of ownership from equal shares (50:50) to a different ratio (e.g. 75:25, 99:1 or even 100:0). Alternatively, you can change an asset in your sole name to joint ownership. The advantage of this is that you can alter the ratio of joint ownership in order to give

your partner a share in an asset for income tax purposes.

By the same token if you are considering selling an asset, you can use the Plan to give your spouse/civil partner a share in joint property allowing you to use their Capital Gains Tax annual allowance and save up to £1,818 in CGT.

As an example, Mr and Mrs Smith own an investment property from which they receive rent of £10,000 per annum. Mr Smith is a higher rate tax payer and Mrs Smith is a basic rate tax payer. Mr Smith pays income tax on the rental income of £2,000 p.a. (40% of £5,000) and Mrs Smith £1,000 (20% of £5,000). Using our Asset Sharing Plan Mr and Mrs Smith can save £1,000 p.a. income tax.

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## The generation gain

The next generation of lawyers are gaining a special insight into the legal world.

Wright Hassall is working with the University of Warwick to mentor around 20 law students, by offering guidance and advice about the industry.

The scheme was trialled last year after solicitor Toni Sharp, a former Warwick student, considered ways in which Wright Hassall could help the university's school of law.

And, after positive feedback, the firm rolled out the scheme this year, with 10 experienced lawyers taking part.

Toni said: "When I was a student, I found any guidance professionals were able to provide beneficial, and I hope that the scheme will enable Wright Hassall to provide such advice in a more structured format.

"We're trying to assist not just with advice on specific or technical areas of law, but with general guidance on how to develop a career too.

"From our point of view, it's important that regional firms such as Wright Hassall work with institutions like the University of Warwick to help support the next generation of lawyers."

Students were asked to apply to be mentored before the start of the autumn term, and submit an application on what they wanted to achieve from the mentoring scheme.

# Copyright moves into the digital age

Unlike some other intellectual property rights, copyright automatically belongs to anyone who creates words and images in any medium. It is not dependent on any registration procedure. Some copyrights may be of huge value even if their owners did not pay a penny to acquire them.

Copyright has been a feature of English law for more than 300 years. From the very beginning, it has needed to adapt to new and changing media. Throughout the 18th and 19th centuries, new legislation gradually extended copyright protection from books to music, dramatic works, engravings, paintings, drawings and photographs. At the same time, the law has tried to achieve a balance between the exclusive rights of copyright owners, to control the licensing of copies and stop infringement, and the need to permit fair, public access to protected works.

Copyright can be a very "low tech" kind of intellectual property. But these days infringement takes place frequently through digital media. P2P file sharing is an infringement of the copyright in the relevant music, films and games contained in such files. It leads to a reduction in revenues for these businesses and arguably reduces the value of future investment.

Another feature of copyright law is the need to adapt it to constant technological change. For this reason, the Gowers report in 2005 and the "Digital Britain" report of last year recommended a number of reforms. Several recommendations have been consolidated in a new report published by the UK Intellectual Property Office.

The emphasis on copyright reform has shifted to the Digital Economy Bill, now progressing through Parliament, which implements a few of the recommendations contained in the final "Digital Britain" report.



**Controversial measures in The Digital Economy Bill could see households losing their internet access. LAURIE HEIZLER reports on Lord Mandelson's proposals.**

The provisions of the Bill that have so far grabbed the headlines are those which deal with online copyright infringement.

The Bill proposes a two-stage solution to the problem of illegal downloads. In the first instance, if a copyright owner reports a copyright infringement to the relevant Internet Service Provider (ISP), the ISP will be obliged to issue a "notification letter" to the offending subscriber warning him that he is infringing copyright, and also providing him with advice on how he can download material legally. This is meant to have an educative as well as a deterrent effect. In addition, the ISP will be obliged to keep records of all infringers of which it becomes aware. In certain circumstances, the information in these lists may be made available on an anonymous basis to relevant copyright owners. All the detail of these initial steps will be set out in a code of practice to be developed by the ISPs with the approval of OFCOM. OFCOM will monitor compliance and inform the government if it considers that the measures are actually reducing copyright infringement.

Unofficially, Lord Mandelson (as Business Secretary he is the Bill's sponsor) believes that notification letters may deter a significant amount of illegal file sharing. But if instances of file sharing are not reduced by 70% by April 2011, the second stage will kick in. This enables "technical measures" to be taken by ISPs after July 2011 at the request of

OFCOM. Technical measures may include reducing the bandwidth of infringing subscribers or even cutting off their connection to the internet altogether.

It goes without saying that these measures are extremely controversial. Should they become law they could infringe the human rights of the file sharer and of other users of his computer who are not infringers. The Open Rights Group considers that a suspension of internet connection to entire households on account of a single person's conduct is unacceptable. There may well be further questions of compatibility with EU telecommunications law.

A further controversy surrounds the provision in the Bill that allows the Secretary of State to amend primary copyright legislation if technological developments that may happen in future facilitate new ways of infringing copyright. This has been opposed on the grounds that it gives too much power to the government of the day. The argument has been answered by Lord Mandelson with a suggestion that the measure would only be used in the case of serious infringement with widespread effects on businesses and consumers and that any secondary legislation would be properly scrutinized by Parliament.

Copyright has for centuries aimed at a balance of rights and has largely created a self-policing system. The arbitrary and extended powers in the Bill create a real possibility that this balance would be upset. Official moves to deny people their internet connections are unfair if they do not depend on a clear and unambiguous finding that copyright has actually been infringed.

A lot of work will need to be done on likely amendments before the Bill becomes law and developments are anticipated with interest.

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## Property wins licence despite objections

Wright Hassall successfully advised on a hotly contested application for a new Premises Licence by the property owner – rather than the individual who was actually going to carry on the business.

The application for the property in Staines, Middlesex, came before Spelthorne Borough Council and was opposed by Surrey Police, the Environmental Health Officer and 26 local residents. The licensing team advised the property owner to apply for a New Premises Licence as opposed to a Provisional Statement (an

uncertain creature of the 2003 Licensing Act).

After a hearing lasting 3½ hours and more than two hours of deliberation the application was finally granted subject, in the main, to conditions relating to the use of the premises that the applicant had prepared and put forward. This positive result for the property owner means that, with a commercial and transferable licence, the premises become much more marketable.

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## Scaling the heights

While many may be fed up with the cold weather, two intrepid adventurers are treating it as an opportunity to prepare for the journey of their lives.

Ann-Marie Hudson and Glynn Davis, pictured right, who work at Wright Hassall, are using the cold weather as an early chance to acclimatise to conditions they will face for a planned 18-day ascent of the world's highest mountain – Mount Everest.

The pair began training for the trip on Boxing Day and will undertake the 18,000ft climb through Everest Base Camp to the summit of Kala Patthar in October with the hope of raising more than £5,000 for Cancer Research UK.

The journey will be an emotional one for Ann-Marie who is undertaking it in honour of her father who passed away from prostate cancer 14 years ago.

It will also be the realisation of a life-long dream for 38-year-old Glynn. The senior solutions and software executive at Wright Hassall is a keen outdoor adventurer.

"Everest is like the Mecca of the mountain world, to go there will be fantastic," he said.

The pair has already pledged £1,000 of their own money to fund the trip and anyone who wishes to support their journey can make a donation by visiting [www.justgiving.com/Excellent-Adventure](http://www.justgiving.com/Excellent-Adventure).



## Remedies directive

The Remedies Directive has been implemented and has introduced some key changes to the Procurement Regulations.

The Public Contracts (Amendments) Regulations 2009 (SI 2009/2992) came into force in December 2009 and implement the Remedies Directive. The Regulations only apply to procurements first advertised after 20 December 2009.

The key changes are as follows:

- full debrief information must accompany all "Alcatel" standstill letters sent to unsuccessful bidders, (and not just be provided to those bidders that request it within 48 hours of receiving the letter);
- there will be a suspension of any contract award procedure when legal proceedings are issued against the contracting authority. At present, bidders claiming that a tender process is flawed are required to apply to the court for an injunction - this will no longer be necessary;
- introduction of the concept of ineffectiveness. In some circumstances, this will mean that a court will be able to declare that a contract is ineffective (that is, void) as a result of flaws in the procurement process. Courts will also have the power to shorten the term of a contract if they consider it is appropriate (whereas previously, once a contract had been executed, the only remedy available to aggrieved bidders was damages); and
- introduction of financial penalties for contracting authorities engaging in flawed procurement processes.

The changes are wide ranging and it will be important for everyone involved in public procurement to be aware of their impact.

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## More space for Blind Association

A charity which helps to improve the lives of blind and partially-sighted people in Warwickshire has moved to new headquarters with the help of Wright Hassall.

The Warwickshire Association for the Blind (WAB) has expanded by moving to Charles Court, on Budbrooke Road in Warwick, and hopes to help more of the estimated 17,500 people in the area who could use its services.

The WAB offers rehabilitation services for those who have lost all or some of their sight, along with weekly drop-in centres, awareness training, equipment and support.

The move, which was completed by Wright Hassall, has doubled WAB's office space and its manager John Davis is excited about the year ahead.

"Our move has gone well and this new building will give us a fantastic opportunity to help more people and

provide a better location for those who already engage with us," he said.

"We have two main roles – the first is to help individuals who are coming to terms with loss of sight.

"And we also do a lot of work with people who are blind or partially sighted and make sure they have services available to them.

"At present, there are 4,300 people on our database and we keep in regular contact to catch up with people and make sure things are ok.

"But we know there are so many more people who could benefit from what we can offer and hopefully 2010 will be a year in which we can grow and reach out to more people."

WAB has 12 permanent staff, along with around 300 volunteers, and primarily supports people living in all parts of Warwickshire.

Gill Worthington, of Wright Hassall, said: "This is a great location for the staff and general public, who will now be able to access WAB services and support more easily, and it will also help raise the profile of the association to those who could benefit from its work.

"However, the charity will not be able to achieve any of its aims for the future unless the local community gets behind the project to support it. We are lending our support to the cause and hope other people will do the same."

To find out more about helping to support people with sight loss in Warwickshire, contact John Davis on 01926 411331.



John Davis (WAB), Mark Lewis (Wright Hassall), Peter Pawson (Warwick Hospital), Peter Soles (WAB) and Suki Harrar (Wright Hassall).

## More nappy days for working dads

The government launched an awareness campaign in February called 'Dads at Work' to raise awareness amongst fathers as to their paternity rights. The campaign, which commenced on 18 February, was in response to findings that many new fathers were unaware of their legal rights.

Fathers are entitled to take two weeks of paternity leave upon the birth or adoption of their child. The leave is paid at the lesser rate of:

- (a) £123.06 (rising to £124.88 on 4 April 2010); or
- (b) 90% of the employee's weekly earnings

They are also entitled to request flexible working if they have been employed for a period of 26 weeks. Employers need to ensure they follow the procedure set out below upon receiving a flexible working request:

- (a) within 28 days of request, arrange to meet with the employee, who is entitled to be accompanied by an employee, to discuss the application;
- (b) within 14 days of the meeting, write to the employee with outcome;
- (c) if the request is rejected, the employee can appeal within 14 days;
- (d) arrange an appeal meeting within 14 days of receiving appeal;
- (e) deliver the appeal decision within 14 days of the meeting.

Fathers may also choose to take parental leave. They have the right to take:

- (a) 13 weeks' parental leave for each child until they reach they age of 5;

(b) 13 weeks' parental leave for each adopted child until the fifth anniversary of their placement;

(c) 18 weeks' for each disabled child receiving disability living allowance up until the child reaches 18 years of age.

Statutory parental leave is unpaid but employers can make a payment to employees taking parental leave if they so choose. As the preservation of terms and conditions of employment are limited during paternity leave, provisions relating to pay or other benefits are suspended unless the parties have contractually agreed otherwise. For example, the employee's right to accrue contractual holiday, which is over and above statutory holiday, is dependent upon the terms of the employee's contract of employment.

### Paternity rights 2011

Additional paternity leave will be introduced in April 2011 for parents of babies born after 3 April 2011. Effectively, this means that the period of maternity leave can be split between parents so that if the mother returns to work early, the father can take over the remaining period of maternity leave to look after their child. This will be subject to a maximum of three months paid at the statutory rate and three months unpaid.

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## Apple and iTunes agree to change

Towards the end of last year, the OFT raised concerns about the standard terms and conditions used by the Apple and iTunes stores. As a result, Apple Inc has agreed to change its terms for the Apple and iTunes stores so that they are clearer, fairer and in accordance with the Unfair Terms in Consumer Contracts Regulations 1999.

Before the investigation, the terms:

- excluded liability for faulty or misdescribed goods
- did not comply with the Distance Selling Regulations 2000
- were drafted in a way that was not 'in plain and intelligible language'

■ potentially gave Apple the opportunity to increase prices after an agreement was made.

The legal director of the OFT said: "The contract or terms of use between a company and a consumer, whether they are found online or on paper, must be clear, fair and easy to understand. In particular, it is important that consumers are given clear and accurate information about their consumer rights in case things go wrong."

If your business deals directly with consumers and you would like your standard terms of business reviewed, contact Christine Jackson on 01926 886688 or via email.

christine.jackson@wrighthassall.co.uk

## Racing to milestone

This year's sixth Wright Hassall Regency Run – recently voted one of the best 10km runs in the country by an internet poll – is set to reach a massive milestone. The event, which is open to 2000 serious athletes and fun runners, takes place on Sunday, April 11 and organisers are hoping the efforts of competitors will help it achieve the landmark of £150,000 raised for good causes.

Russell Hall, who helped set up the race, said money was either raised for the Round Table to distribute to local good causes or directly for the charities chosen by entrants.

He said: "The event has really grown to be an established part of the Warwickshire calendar. As well as fun and club runners we have also had international athletes taking part, but underpinning that is the good in the community that the money raised can do."

People can log on to www.regency10k.co.uk or www.wrighthassall.co.uk to enter.

## EU procurement thresholds rise

Due to the weakness of Sterling against the Euro, procurement thresholds have now been increased for the first time in many years. With effect from 1 January, 2010 to 31 December 2012, the thresholds are as follows (and don't forget, it is the net of VAT contract values that must be assessed against the threshold).

	SUPPLIES	SERVICES	WORKS
Contracting authorities listed in Schedule 1 of PCR 2006	£101,323 (€125,000)	£101.323 <sup>2</sup> (€125,000)	£3,927,260 (€4,845,000)
Contracting authorities not listed in Schedule 1 of PCR 2006 of PCR 2006	£156,442 (€193,000)	£156,442 (€193,000)	£3,927,260 (€4,845,000)

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