

THE NEWS FROM OSBORNE MORRIS & MORGAN

Misconceptions in Family Law

There are many misconceptions in the world of Family Law, the most common of which are :

Common Law Marriage

There is no such thing! Many people assume that unmarried couples share the same rights as their married counterparts, however, this is not the case. Cohabitees are unable to claim maintenance for themselves (i.e. other than for a child of the relationship) nor are they entitled to claim against the other party's pension. Furthermore, cohabitees are not necessarily entitled to an interest in the property and neither do they have an automatic right to continue occupying the family home.

The Rights of Fathers

Unless the father is married to the mother and/or named on the child's birth certificate, they do not automatically have parental responsibility for the child. It follows that they may not be entitled to determine issues relating to the child's schooling, religion and any medical treatment. This can be acquired

by entering into a Parental Responsibility Agreement with the Mother or applying to the Court for an Order.

Legal Aid

This is still available in certain areas and circumstances. Legal Aid is available for mediation and in some cases where there has been domestic violence or abuse. This can extend to securing protection and/or dealing with children and financial issues following a relationship breakdown. It is also available in Public Law matters where the Local Authority has child protection concerns and may be available in child abduction cases.

Child Maintenance and Contact

These are two separate matters; failure to pay child maintenance does not preclude a parent from having contact with the child. Applications in respect of contact are determined according to what is in the child's best interests.



Financial Claims following Divorce

A party's entitlement to claim financial relief against the other is not automatically dismissed by virtue of the divorce. Indeed, in a recent landmark decision, *Vince v Wyatt*, it was ruled that the Applicant's claim should not necessarily be struck out in circumstances where the parties divorced in 1992 and the other party went on to found and develop a business worth over £50 million. The only way to dismiss financial claims is by virtue of a Clean Break Order.

Osborne Morris & Morgan is offering a free Family Law clinic at its Leighton Buzzard office on the last Thursday of each month.

Contact the Family Law Team for further details on:

01525 378177



ELECTION HIGHLIGHTS

In the May 2015 General Election most of us expected a hung parliament however the Conservative Party won a majority and have now formed a Government. In the run up to the election, all of the major parties made pledges on issues which could particularly affect Osborne Morris & Morgan clients.

One of the key battle grounds was taxation, with the Tories expressing once again their intention to raise the inheritance tax threshold on 'family homes' to £1million by 2017. They also pledged not to raise VAT, income tax or national insurance contributions. In comparison UKIP were talking of scrapping IHT completely. Labour on the other hand were saying they would bring back the 50p rate of tax for those who earn over £150,000. Now that the Tories have gained power it remains to be seen whether the inheritance tax changes they had promised will follow and whether they will be as broad as they sound. Please keep an eye out for future OMM newsletters where we will keep you up to date on this key issue.

Another area of disagreement in the manifestos was the Human Rights Act. Labour had committed to protecting the Act and reforming rather than moving away from the European Court of Human Rights. Likewise the Liberal Democrats and the Green Party also stated their support of the Act. In comparison, the

Conservatives intend to scrap the Human Rights Act and replace it with a British Bill of Rights, with the aim of breaking the formal link between British courts and the European Court of Human Rights. This would make the Supreme Court the ultimate authority of Human Rights matters in the UK. This has been a course of concern for many commentators and this is an area we will be watching closely.

Another area which could affect our clients is access to justice and legal aid. Labour, the Liberal Democrats and the Green Party had committed to review legal aid with some of them aiming to reverse recent legal aid cuts, however the Conservatives have committed to continue to review legal aid but with no promise about what outcomes will follow. They have also said they will continue a huge modernisation programme for the courts system with the aim of reducing delay and frustration for the public. Of course at OMM we all hope this will be successful!

FSB AWARDS



OMM is delighted to announce that we have been selected as finalists in three categories at this year's FSB Bedfordshire Business Awards.

The FSB (Federation of Small Businesses) Bedfordshire Business Awards recognises and rewards local companies for their hard work, dedication and enterprise in several different categories.

OMM has been the proud and well-deserved winner of multiple FSB awards since 2012. This year we are finalists in the categories of Service Excellence, Training & Development and Enterprising Business, and we hope that the FSB will once again recognise OMM's achievements and we will walk away clutching at least one trophy.

Last year, OMM scooped top prize in the Training and Development category for the third year running, and came second for most Enterprising Business.

In 2013 we were delighted to win the overall award for Best Business in Bedfordshire, as well as winning an award in the category of Service Excellence.

The winners will be announced during a black-tie event on 25 June at Center Parcs, Woburn.



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Sheena Shah on Secklow Sounds!

Our Head of Family Law, Sheena Shah, was given a very special opportunity recently and was the resident guest speaker on a local weekly radio show, *Lifestyle MK*.

Lifestyle MK, aired on Secklow Sounds, a Milton Keynes community radio station, and is hosted by Andrena of the *Vine* magazine and Garry from Bee Text Marketing. Various topics were covered each week as well as family law, such as health, local leisure, current issues and other features relevant to people that live locally.

In total, there were 12 shows and each week Sheena discussed a different legal topic. She covered the most frequently occurring issues, such as co-habitation, divorce, disputes involving children, the importance of a clean break and financial settlements upon a matrimonial breakdown. Replays of the show can be found on the news section of our website at www.ommlaw/news and they are a handy way for listeners to gain a summary of highly useful information.

Our Family Law team have, of course, also started its Free Family Law Clinic which is now in full swing, taking place at our Leighton Buzzard office on the last Thursday of every month between the hours of 10 am and midday.



Sheena Shah,
on a local radio
show

RACE FOR LIFE

Sarah Crook, our Wills Trusts & Probate legal executive, and Adella Saunders, litigation assistant, ran the 5K Race for Life and raised around £200 for Cancer Research UK on 14 June.

The girls joined the swarm of pink in the fight against cancer at the beautiful grounds of Cassiobury Park in Watford, for the 3 mile run. Unfortunately, the day started off wet and dull but the sun came out once the race began.

Sarah and Adella hope to raise as much money as possible for Cancer Research so that one day there will hopefully be a cure for all cancers.

If you would like to sponsor them please visit:

www.justgiving.com/adellasaunders/

Any
donations
would be greatly
appreciated



The team were out in force for KidsOut!

Our team was out in force on Saturday, 11 April 2015, for KidsOut, our charity of the Year, as we became market sellers on Leighton Buzzard Market!



The team sold approximately £250 of brand new and used items, including toys, clothes, housewares and books, which we were really proud of. We will hopefully look to running a similar event over the course of the next few months.

Our Managing Partner, Tim Woolford, recently ran a competition for our staff and created an eclectic CD upon which we had to answer questions. Staff paid to enter the quiz and had to give the answers to food and drink questions. The winner was Anne Tyrrell. All donations raised will be going to KidsOut.

KidsOut, whilst based in Leighton Buzzard, is a national charity, which carries out a wide range of initiatives for disadvantaged children, such as organising Days Out and providing children, who often find themselves living in a refuge, with brand new toys.



Please support the charity by making a donation directly or, to find out more please visit the website:
www.kidsout.org.uk

FREE

FAMILY LAW CLINIC

Come along to one of our walk-in appointments for an initial 15 minute chat

Our solicitors can make a difference

Services include:

- FAMILY
- MEDICAL NEGLIGENCE
- WILLS & PROBATE
- TRUST FUNDS
- COURT OF PROTECTION
- LASTING POWERS OF ATTORNEY

**Clinic
every last
Thursday of
the month**

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