



THE REPORT

CITY OF WESTMINSTER AND HOLBORN LAW SOCIETY NEWS

No.42 MAY/JUNE 2006

THE PRESIDENT'S COLUMN



CHARLES FRASER

The Easter break has been and gone, and summer is in the air – at last.

With this change of weather I thought I would break with tradition, and write a more personal column. I should warn you at the outset though that this edition of my column is not for the faint-hearted!

As many of you know I have twins (Henry and Elodie) who were one at the end of March. My wife and I decided to spend the Easter break in Devon, and as we drove down we took the opportunity of having all three children asleep, and both of us being awake at the same time, to discuss some of the issues that needed discussing. One of the subjects that arose was the fact that the younger of our twins, Elodie, had been quite ill for the previous two days. She had, unfortunately, picked up some sort of bug that was making her sick, and (not wishing to put too fine a point on it) giving her the runs. I had missed the “pleasure” of changing her outfit on each of these occurrences which had, by all accounts, occurred on a multitude of occasions during the previous 48 hours, since I had been at work during the day, and blissfully slept through the night time changes totally oblivious to what was happening around me. A scenario not dissimilar, I suspect, from that of the majority of fathers. I know of only two couples where the mother has returned to work after having a child, or children, and the father has stayed at home to look after them. For both couples, the mother was the main bread-winner of the family, and it therefore made financial sense for her to return to work, even on a full time basis. In today’s egalitarian society, there is no reason for one parent rather than the other to stay at home. It can simply be a question of money. For my wife and me the decision was simple: we had three children under 2 (albeit briefly), but still have three under 3; my wife wanted to

stay at home to look after them, and I was earning more than her, and we anticipated that that would continue due to the different jobs we both had. It is not always that easy, however.

Much is written about a mother’s desire to stay at home, certainly for the first few months, and then to return to work, sometimes part-time, or on a more flexible basis, but little is written about those fathers who would also like to spend time at home. I often leave for work before the children are awake, and regularly return home after they have gone to bed. I sometimes feel like a part-time father. Weekends, however, are a different story – and Easter was no exception, and I’ll explain why a little later. That is a choice we have had to make. At one stage when the twins were first born, our eldest (Jacques) who was only 22 months, was still in nappies (we have only just managed to get him potty-trained – hurray!!) and we were getting through well over 150 nappies a week. So I am no stranger to changing a nappy, let me tell you! The rate of nappy changes decreased over time, and now that Jacques is potty trained, we were getting through only about 75 nappies a week – if we had had more than twins I think I would have needed to start ordering nappies by the van load... Anyway, over Easter, Elodie managed to pass whatever bug she had, to her twin brother, Henry. We spent the whole of Saturday and Sunday changing one, then the other. Whichever of the twins, and end, it had come out of was irrelevant – the end result required a full change of clothing! Thank heavens for washing machines too – I think it was on almost constantly!

But why have I decided to write my column telling you about the seemingly incessant change of outfits, and nappies, we endured over the weekend, and the hardships of bringing up children?

I said at the beginning of my term in office that there were certain themes I would raise during my presidential year, and quality of life, and work/life balance, was one of them. A recent article in the Sunday Times went through the 100 best companies to work for, and The Lawyer has recently had a number of articles on the subject. According to the list, two of the firms that have offices in our area, Wragge & Co and Browne Jacobson, both featured in the top 50, as well as our very own Olswang at eighteenth! A “combination of work-life balance, defined career paths and flexible working arrangements can be the most enticing employee benefits”. As I mentioned during my speech at the annual dinner: “Ten years ago, flexible working was taking a long lunch break with clients. Now, more progressive firms realise that flexible working and job-sharing can lead to increased productivity and motivation, and therefore increased profits. I imagine that it won’t be very long before firms that do not have job-shares and flexible

continued on page 8

DIARY 2006

MAY

- 11 TYSG Drinks
- 15 London Legal Sponsored Walk
- 22 Lecture - The Finance Bill
- 31 Committee meeting

JUNE

- 5 Pro Bono Presentations, including the Wig & Pen Prize
- 14 LEGAL CHARITIES GARDEN PARTY
- 19 Lecture - Stamp Duty Land Tax Update
- 28 Committee meeting

JULY

- 10 Lecture – Trusts and Probate
- 19 Committee meeting

CONTENTS

PRESIDENT'S COLUMN	1
GAMLEN LAW PRIZE	3
PRO BONO CLINIC	3
REVENUE COMMITTEE	4
CONTRACT LAWYERS – AN EMPLOYER'S PERSPECTIVE	5
COUNCIL MEMBER'S REPORT	6
NEW MEMBERS	7
LONDON COUNTER CLOSURE	7
LECTURES	8

The City of Westminster and Holborn Law Society

A company limited by guarantee
registered in England and Wales
number 5467334

Registered office:
25 Rotherwick Road
London NW11 7DG
Telephone/Fax: 020 8209 1039
www.cwhls.org.uk

Editor

Rosemary Lester
6 Westhorpe Road
Putney
London SW15 1QH

Editorial Board

Timothy Drabble
Andrew Hill
Charles Fraser
Elizabeth Beesley

Published by

The City of Westminster and
Holborn Law Society

Printed by

Hunts Printing
12A Station Field Industrial
Estate, Kidlington
Oxford OX5 1JD
Telephone 01865 853633
print@hunts.co.uk
www.hunts.co.uk

All rights reserved, reproduction
in whole or part without written
permission from the Publisher is
not permitted. Photographic
material and manuscripts are
supplied at owners risk, neither
the company nor its agents accept
any liability for loss or damage.

The views expressed in The
Report are not necessarily those
of the Society, Editor or Editorial
Board. No responsibility is
accepted for any advertisement or
advertising material inserted in
The Report.


Help & Support
SOLICITORS SUPPORT NETWORK

0800 328 4203

The deadline for all copy for the
July edition of THE REPORT,
is **Monday, 19 June 2006**

Copy to be sent to The Editor at:
6 Westhorpe Road, London SW15 1QH
rl Lester@lesting.fsnet.co.uk

Contributions to be sent by email

President: Charles Fraser, Fraser & Fraser, 39 Hatton Garden, EC1N 8EH
020 7832 1400 charles@lostkin.co.uk

Vice President: Sara Chandler, The College of Law, Legal Advice Centre, 14 Store Street, London WC1E 7DE
020 7291 1290 sara.chandler@lawcol.co.uk

Junior Vice President: Michael Gillman, Bishop & Sewell, 46 Bedford Square, London WC1B 3DP
020 7631 4141 Fax: 020 7636 5369

Hon Treasurer: Timothy Drabble, Okehurst, Billingshurst, West Sussex, RH14 9HS
01403 782535 drabtim@okehurst.co.uk

Hon Secretary: Peter Adams, 5 Osten Mews, Emperors Gate, London SW7 4HW
020 7370 7450 Adamspg@gmail.com

Deputy Hon Secretary: Jonathan Cornthwaite, Wedlake Bell, 52 Bedford Row, WC1R 4LR
020 7395 3000 jcornthwaite@wedlakebell.com

Editor: Rosemary Lester, 6 Westhorpe Road, Putney, SW15 1QH
020 8788 7023 rl Lester@lesting.fsnet.co.uk

Administrator: Elizabeth Beesley, 25 Rotherwick Road, NW11 7DG
020 8209 1039 admin@cwhls.org.uk

THE GAMLEN PRIZE

ASHLEY BADCOCK

It is a sign of the times that many large provincial law firms now have London offices in our CWHLS area, and while that qualifies that firm's trainees for the Prize, last year it so happened that one nominee was going to spend only a few months with the London office – if at all!

We therefore felt that to keep within the spirit of the Prize, we should amend the Rules to require that a trainee with such a firm should have arranged that at least one year of their training contract is spent in our Society's area. When the judges get to meet the nominees for the Prize, it is unusual that their seats have already been arranged for the following two years, but the Society believes nevertheless that it is worth accommodating the possibility within the Rules.

The Rules were changed at the meeting of the committee of CWHLS on 30 November 2005. They are set out below, with the changes underlined.

CITY OF WESTMINSTER AND HOLBORN LAW SOCIETY

RULES FOR THE GAMLEN PRIZE

Approved at the Main Committee Meeting on 27 March 2002 and amended at the Main Committee Meeting on 30 November 2005

1. The Prize was established in memory of the Gamlen Family and particularly St John Gamlen, the last of five generations of solicitors and a meticulous and sparing draftsman. It shall be awarded annually to a Trainee Solicitor who is either a member of the City of Westminster and Holborn Law Society (the Society) or who has, or has arranged, a training contract at least one year of which will be undertaken in the Society's area.
2. The Prize shall be a payment of such sums as the Society may decide but until changed shall be a First Prize of £250 and a Second Prize of £150. The winner of the First Prize is entitled to hold the Prize Shield for the year with his or her name engraved on it at the expense of the Society but shall return the Shield to the Society at the end of the year. The capital of the Prize Fund is £5,000 held by the Holborn Law Society Charitable Fund.
3. The Society will organise the competition and may specify the closing date for entries.
4. The Prize is awarded to a candidate who was considered the most promising candidate on the Legal Practice Courses run within the Society's area, regard being had to the candidate's ability to reduce a complicated subject to simple and lucid language which is suited to a lay client.
5. The Society will normally invite each LPC Course Provider in the Society's area to nominate one or more candidates.
6. The Prize is awarded by a Committee of persons nominated by the Society which will normally comprise the President, the Chairman of the Education and Training Committee, one other Officer of the Society and, if so required by the Trustees of the Gamlen Charitable Trust, one of their number.
7. The decision of the Society is final and the Society is not obliged to award the Prize in any year.
8. The Prize will normally be awarded at the Annual Dinner or Annual General Meeting of the Society and will normally be presented by a person nominated either by the Gamlen Charitable Trust, or, failing that, by the President.
9. The Society may change these Rules after consulting the Gamlen Charitable Trust.
10. The names of the winners will normally be published in the Society's Newsletter.

VOLUNTEER REQUEST FOR NEW LAWWORKS PRO BONO CLINIC FOR DEAF AND HARD OF HEARING CLIENTS

A recent letter signed by Kevin Martin (President of The Law Society), Bob Nightingale (Chief Executive, South West London Law Centre) and Robert Gill (Chief Executive, LawWorks) announces the creation of a new LawWorks pro bono Clinic which is being established by LawWorks, the Law Society, South West London Law Centre and the Royal Association for Deaf People. The aim of the Clinic is to provide free initial legal advice to deaf, deafened and hard of hearing clients, and it will take place at the Law Society on Mondays from 3pm to 5pm.

Solicitors or firms interested in volunteering at the Clinic are invited to email Jon-Paul Brampton - jon.brampton@lawsociety.org.uk. Volunteers who are used to advising deaf people or who have signing skills will be welcome, but it is not essential for volunteers to have these skills. CPD accredited training will be provided for all volunteers on how to interview deaf and hard of hearing clients and how to work with interpreters to facilitate communication between lawyer and client. All volunteers can look forward to a rewarding and enriching experience.

The Clinic will be launched during **National Pro Bono Week**, on Tuesday **6 June**, with an information and practical training session for potential volunteers from 12 noon until 2pm.

REVENUE COMMITTEE

JEREMY DE SOUZA



Primarolo's Declaration of War against Trusts

Even members who have little interest in taxation will have heard about BN25, under which, as massaged into the Finance Bill:

- grandparents will be treated as having made a discretionary trust if their Will leaves a fund to "my grandchildren at 18" – and one has to wonder what the effect of such a provision, without an age, will be where one is en ventre sa mère at the date of death;
- more materially, would any trainee have drafted a Will involving a material legacy from any testator without an age of at least 18 in it before the Budget?
- just think of the number of Wills throughout the country which may need to be reviewed: and perhaps protest to your home MP?
- the fact that the fund is below the nil rate band will not prevent professional time (and therefore compliance cost) being incurred under the new regime;
- a father will be treated as having made a discretionary trust if he makes an inter vivos settlement for his children at 18 - let alone 25; and
- a widow who obtains a life interest in her marriage settlement if her husband dies after 5 April 2008 will not only lose surviving spouse relief but also not have the assets uplifted for CGT purposes – and it may very well not be possible to convert her prospective life interest into an absolute one, even with the aid of the Court, by the end of the transition period;
- as the family home is as likely as not to be an asset of this settlement, this could present real problems, not least in the context of the decreasing percentage future increases in the nil rate band trumpeted as a relief on 22 March.

One has to wonder how a trust regime designed, by reference to the real world, by no less than Denis Healey and Joel Barnett came to be regarded as *tax avoidance* by New Labour. The explanation of the reduction from 25 to 18 offered in the *HMRC Guidance* issued with the publication of the Finance Bill is as follows:

"This simplification measure aligns the age limit for inheritance tax with those for income tax and capital gains tax. This age limit was part of the public consultation on modernising the tax system for trusts launched in the 2003 Pre-Budget Report. The result of that consultation was that special rules for children should cease when a child reaches adulthood at the age of 18."

But this has to be read against the fact that the 2003 consultation related **solely** to

income tax and capital gains tax and was held out at the time:

- to be being undertaken primarily to bring the definitions used into line with each other; and, incidentally,
- to see if it was possible to provide for a lower rate of such taxes than 40% for trusts for orphans during their minorities.

What relevance would a supermarket survey on apples have to the attributes of oranges? See, perhaps, John 18:38, first sentence?

Note:

- (1) At the time of the Budget, it was unclear when an *interest in possession* might be considered to be in existence in some co-ownership situations in which only one owner was in possession. The Committee has written to HMRC for elucidation and the response (when received) will be published on the Society's website.
- (2) The DTI told HMRC that European consent to the projected professional trustee non-residence regime will not be obtainable and so this proposal was dropped on Budget Day. This is perhaps as well because it is hard to envisage a non-resident making an English settlement under the Primarolo IHT rules.
- (3) HMT scored a spectacular own goal in BN 25, by depriving a widow with young children of surviving spouse relief on her life interest under an intestacy. This had to be abandoned in a hurry on the eve of publication of the Finance Bill!

Charitable anti-avoidance

Sections 506A-C, released on 31 March, are worthy of study. Not only are substantial donors involved, also those with a s.839 connection with them. Not only is the charity which received the gift covered, but also those with a vague linkage to it. So we start with the fact that the parties within the non-arm's length dealings rules need not be aware that they are within them. Indeed, it is possible for them not to be at the time of dealing, but be brought within them retrospectively by a gift later in the accounting period.

And if one is within them, is one entitled to the safeguard of a normal appeal? No, HMRC makes up a figure and one's only recourse is to try to persuade the special commissioners that only the village idiot could have arrived at it. And where land is involved, there seems to be no possibility of the DV's figure being referred to the Lands Tribunal. But where the transaction is a sale by or 7-year plus lease from the charity surely the procedures in Charities Act 1993, s.36(3)-(5) will have to have been

followed? In such circumstances one would invite the special commissioners to rule that *only* the village idiot would have bothered the DV in the first place.

"Improved service"

In the introduction to *Pension Tax Simplification Newsletter No. 11* it has been made clear that help line and correspondence queries on the new pension rules will not be processed until it has been established that the "customer" has first looked at the official guidance. One has to wonder how much "official time" will be taken up with these counter-enquiries.

HMRC have also published their second "powers" consultation. This document contains some amazing passages and the Committee's response is available on the Society's website.

SDLT

S.I. 2006/875 provides the major part of the concessions for which Gerald Moran and I have been battling for over two years. But may I draw members' attention to the qualification to the CGT exclusion in para 16B(2)? HMRC have been asked whether contingent Equitas liabilities have the effect of bringing the CGT paid by the appointee within the charge to SDLT. They have said, initially, that they do – on the ss.51/80 deferral basis – and that this is irrespective of whether the trustees have first been released from personal liability under a *Yorke* Order.

"Gift with reservation" rack rent leasebacks need to be avoided. Both the official construction of FA 2003, Sched 4, para 5 and the underlying policy decision bring the related gift within an open market value charge and this will not be reduced by reason of only part of the property being included in the leaseback.

If, however, the sale of a property is followed by a lease back of both it and additional land, the rent attributable to the former is excluded from the rental charge under section 57A.

Transformismo at the ECJ?

Members may be aware that the French equivalent of TCGA 1992, s.10A was struck down in 2004 in *De Lasteyrie du Saillant*, C-9/02. The Dutch then tinkered with their (similar) version, and Advocate General Kokott has suggested in *N*, C-470/04, that this action may have had the effect of validating their arrangements retrospectively.

Salve et valet

Before you read this White & Bowker, with whom I have held a consultancy in Winchester since 1999, will have merged with Blake Laphorne Linnell, which has an office within the Society's catchment area!

CONTRACT LAWYERS – AN EMPLOYER’S PERSPECTIVE

ALICE GOTTO

The contract lawyer, once a rare and often maligned breed, is becoming a far more common and well-respected feature of today’s legal marketplace. Firms and in-house legal departments which in the past were reluctant to consider hiring on anything other than a permanent basis are beginning to come around to the realisation that the use of contract lawyers can be advantageous to them in a variety of ways. In turn many lawyers of all levels, including among the junior to mid-levels of the profession, are increasingly beginning to view working as a contractor as a flexible and rewarding alternative to permanent work, whether it be for a period of time while they are looking for the perfect permanent role or on a more sustained basis, perhaps to allow them to pursue an interest outside the law.

I spoke with a partner in the financial services group of a Silver Circle firm which has recently started to use contract lawyers. We discussed what he considers to be the pros and cons of this way of staffing and whether he views it as a growth market for the profession.

What were your initial prejudices and concerns about the use of contract lawyers?

Our two major concerns were as to the quality of the lawyers and their commitment to the job. With respect to the standard of the lawyer’s work, this is an obvious concern although one which can be tempered to an extent if they have spent a decent period of time at a similar quality firm in the past. It is obviously vital for us to be sure that the individual will be able to hit the ground running, given that there is rarely time for the training and lead-in time which permanent hires are afforded. Another side to the quality issue is that we feel it is very important that all our lawyers, whether temporary or permanent, are imbued with the culture and principles of the firm, which in our view is vital for the lawyer to be able to perform well, particularly where the individual is to be client-facing. A natural concern with

contract lawyers is therefore the investment required to achieve this with a lawyer who may only be with us for a few months.

As far as commitment is concerned, another obvious concern of ours was that a contract lawyer might simply view the role as a filler-in and therefore not be entirely committed, as well as not having the loyalty to the firm typical of a permanent employee.

Having now put the concept to the test, were your concerns justified? What would you say, based on your experiences, are the principal benefits and disadvantages of using a contract lawyer?

We have been very pleased by our experiences. We have been impressed with the quality of the lawyers we have used, with our concern as to the quality of their legal work proving to be unfounded. Our concerns about commitment have also proved to be unfounded and indeed we have found the contract lawyers we have used to be very enthusiastic and to have a very positive outlook, perhaps partly because they are keen to make an impression as they are only here for a limited period and are anxious to do the job and to do it well. In addition, the fact that they are fresh to the role has on several occasions meant that they are able to think innovatively and bring different experiences and approaches to issues and problems, which has been refreshing.

The major advantage we have found with this way of working is the flexibility it has afforded us as an employer. We have been able to manage the length of the lawyers’ stay to fit our requirements, which has enabled us to get the job done well while having obvious cost benefits as compared with a permanent hire.

As for disadvantages, we have not found there to be any in particular. However, and this relates to my answer to your first question, it is important to get an individual up to speed with the firm’s ethos and culture, which obviously requires some investment. I can see that this might become a problem if, for

example, a series of contract lawyers was hired for a long-term project, but that is not a situation we have encountered. Equally, even in such a situation this investment would have to be viewed in the context of the advantage that internal employees are not being used on a single project for a long period of time and that, certainly in our experience, the investment pays for itself with the successful and timely completion of the work.

We are seeing an ever-increasing use of contract lawyers, even by firms who in the past have been very dismissive of the idea. From your perspective, do you view this as a growth market?

Yes, I do, for several reasons. There are obvious benefits to the concept, in enabling firms to manage their staffing effectively as well as save costs. Also, firms generally are seeing an increase in project-based work, for which teams of contract lawyers could be very useful. Another benefit we have found is that, certainly in a niche area such as financial services where there is not an abundance of good quality, experienced candidates on the market, it can be a very useful tool in enabling a firm to try out candidates who are less experienced but very interested in the practice area, but with no long-term commitment on either side. This, as well as enabling the firm to fill a gap, can become a useful symbiotic relationship - if the firm determines that there is a need for a permanent hire, it is afforded the opportunity to assess whether it wishes to hire an individual permanently, as well as allowing the candidate to decide whether the practice area, and indeed the firm, is for them. There may be practice areas in which the use of contract lawyers may pose more difficult issues, but certainly for us it has worked very well.

Alice Gotto is a director of recruitment agency Strategic Legal Solutions, which specialises in the placement of contract lawyers and paralegals. Prior to this, Alice practised law at a Magic Circle firm and then a top US law firm in London.

COUNCIL MEMBER'S REPORT

COUNCIL MEETING 29/30 MARCH 2006

JEFFREY FORREST



Having been elected to Council last year, towards the end of my term as President of CWHLS, I sought to explain the inexplicable to my long suffering spouse by using the analogy of local government and national parliament. While it can hardly be said that a local law society has local government powers, it is correct to say that the Law Society's Charter vests the profession's governance in its Council. That remains true now, even as the regulatory and representative functions have become separated.

Continuing that comparison, parliament has 646 MPs for a population of 60 million. The solicitors' profession has about 100 Council Members for around 100,000 practising solicitors. There has been much discussion of the optimum size of Council, including in the Law Society's consultation exercise, which has just closed. By comparison with parliament, Council is too large and that is certainly most people's view.

After its wartime bombing, Churchill insisted that the House of Commons should be rebuilt as before, too small for all MPs to be seated at the same time (Health & Safety not yet having been invented) and for members to continue to face each other, to retain the atmosphere of debate. Both Council Chambers in the Law Society's Hall are too small to accommodate the present size of Council, which now meets, classroom style, in the upstairs Common Room, not a suitable arrangement for eyeball to eyeball debate.

However, on the first day of Council's 29/30 March meeting, we found ourselves seated in round table groups, to re-work the draft paper on "The Future Law Society - Strategic Scope and Purpose", which had been prepared by the Corporate Governance Board. The draft paper had all the camel-like characteristics of a committee-produced document and was scattered with dollops of incomprehensible consultant-speak. By the time the round table groups had got to work on it, the revised version at least managed to define the Law Society's scope and purpose more succinctly as "...to act as the collective voice for solicitors and to meet their needs..." It is intended that the paper will be revisited in the light of the profession's views expressed in the responses to the "Have Your Say" consultation.

Council was told that preliminary responses to the consultation appeared to confirm that the profession does want a national Law Society to be its voice. The real issue is the extent to which voluntary financial support will be given to some of its traditional representative functions. The White Paper clearly envisages that the Law Society will have such a role and that it will have powers under section 47 of the Access to Justice Act 1999 (or whatever replaces

it) to raise money for its functions, both regulatory and representative.

As Sue Nelson has properly reminded us, Council continues to be the profession's governing body and although regulation and representation have been separated, the regulatory boards that have been established have functions that are delegated to them by Council. That causes real difficulties as to their respective powers. A member's resolution calling for members to have access to papers and information coming before the boards, beyond that available under the Society's Freedom of Information Code, was eventually defeated by a two thirds majority but the debate made clear that tensions will remain.

Continuing the parliamentary analogy, backbenchers will find that decisions are made in their names, about which they may feel that they have insufficient information. Peter Williamson, as chair of the Regulation Board, assured us that the boards would be sparing in withholding information from Council members. He had later to apologise for having urged members to vote against the motion, having forgotten that he is no longer a Council Member!

In her report to Council, the Chief Executive said the Society would be keeping a close eye on Lord Carter's final report on Civil Legal Aid, following his interim report. On will writers, she said that the Society would continue to argue for a level playing field and to persuade the government that they should be regulated.

It had been expected that the identity of Janet Paraskeva's successor as Chief Executive would have been announced on 30 March. In the event, terms had not been finalised and we were left without knowing his identity, other than that he is a he and that he is a solicitor. His identity will - I assume - be known before you read this.

One of the possible models for a future representative Law Society could be that of the American Bar Association, which has a healthy voluntary membership, grouped into specialist sections. In recent years the Law Society has sought to emulate this model with its Law Management, Property, Probate and Civil Litigation sections (the latter now relaunched as the Dispute Resolution Section). The Chief Executive reported that total membership of the four sections now stands at 9,000, i.e. about 10% of the profession.

Pending the primary legislation envisaged by the White Paper, some reserved functions cannot be delegated by Council. For the time being, Council has to approve rule changes relating to the new Regulation and Consumer Complaints Boards. The new Boards put forward a series of protocols for Council's approval, covering

such areas as Council's consultation by the Boards, budget plans, media relations and third party consultations. It is intended that the President and the Chief Executive will continue to be the lead spokespersons on representation and law reform issues affecting solicitors and on general matters relating to the Law Society as a whole.

Peter Williamson said that the Regulation Board would be consulting on its draft strategy. That consultation has now been issued and the consultation continues until June. He undertook that the Board would seek to benchmark against other professional regulators, to ensure that our profession is not unfairly overregulated.

The Chair of the Consumer Complaints Board, Professor Shamit Sagar, reported to Council. He said that the current caseload of the CCS stood at 3,833 and that cases were being closed faster than new ones were being opened. One detected a moderation in his criticisms and this was perhaps fortified by the strength of his subsequent support of the Society against the strident comments made against the Society's complaints handling in early April by Zahida Mansoor, now both the Legal Services Ombudsman and the Legal Services Complaints Commissioner.

On budget matters, Council agreed a revised cash requirement of £94 million for 2006. The Law Society's pension deficit continues to increase and there was some debate as to whether it was right to try to keep the Practising Certificate fee down. A suggestion that the second tranche of the SIF refund should be applied wholly towards the pension shortfall was not received enthusiastically. The £94 million cash requirement would still mean a PC fee of £950 in 2006/7. Council will be asked to set the PC fee at its July meeting and the Budget will be reviewed before that.

After debate, Council agreed rules for candidates for the position of Deputy Vice President (the successful candidate progressing under the present rules to the Presidency two years thereafter) to disclose past criminal convictions and adverse SDT findings, as well as current regulatory or criminal investigations.

There was no mention of The Legislative and Regulatory Reform Bill, which has so concerned CWHLS members. In her Report to Council at the previous Council meeting at the beginning of March, the Chief Executive had said that the Society had given the Bill "a cautious welcome", not a view shared by us all. As long as the government has ultimate control, there must be future dangers that if the Society uses s.47 income for any law reform or representation purposes for which the government disagrees, such activity could be curtailed by restricting that income source.

NEW MEMBERS

Bevans:	H J Doswell
Bircham Dyson Bell:	A R Badejo, Miss S L Bancroft, I S Cameron, James Jamison, Ms Supem Mander, Ms Madeleine Smith and Miss J E S Warner
Currey & Co:	Miss P H Burton
Dawsons:	Miss Sarah Burns, Andrew Farmiloe, Ms Lucy Maguire, Ms A B B Petersen, J F Riddoch
Lee & Pembertons:	R P Sear
Shaw Graham Kersh:	P J Graham
Weightmans:	Gerard Henratty

ASSOCIATE MEMBERS: TRAINEES:

Ambrose Appelbe:	C E P Serocold
Charles Russell:	Miss Louisa Jones
Legal Advice Centre, College of Law:	Ms S-A Gill
Dawsons:	Miss Chloe Burrows, Mrs Eleanor Hibberd, Jonathan Spearing, R W Wright

MODIFIED RAPTURE

HM Customs and Revenue have been persuaded – a little – by the Society that legal business should occasionally be handled promptly. CWHLS protested in February against the closure from 1 April of the London counter for payment of Inheritance Tax in urgent cases. Now a special arrangement may be made if you ring HMRC on 020 7438 6680. But watch it. The Revenue notice at <http://www.hmrc.gov.uk/so/london-closure.htm> applies only to Stamp Taxes not IHT, and when we tried the telephone number it was not answered. So rely meanwhile on their new 5-day service using second class mail.

BRISTOL LAW SOCIETY



LEGAL APPOINTMENTS

Thinking of moving to the West Country?
Talk to us first!

We have vacancies throughout the Bristol
area, both permanent and locum
at all levels.

Call Rosie Torre or Charlotte Dixon on
0117 976 3085/86

or email
jobs@bristollawsociety.com
or see our website
www.bristollawsociety.com

City of Westminster & Holborn
Law Society



Trainee & Young Solicitor Group

Drinks & Nibbles

May 11th at 6.30pm
All trainees and
young solicitors
welcome

Venue:
Pagliacci
77a Kingsway
London WC2B 6SR

email to:
rks@hunters-solicitors.co.uk

continued from page 1

working are in the minority and are the 'odd ones out'. Technology has transformed the way that we can work, as well as the place in which we can work. There are many mothers as well as fathers who would want to take up these "alternative" ways of working. New incentives, such as childcare vouchers, medical insurance, income protection,

dental policies, and the like, can all add to the value of a particular job, and may be worth a lot more than simply offering a higher salary. The mere availability of these benefits demonstrates that a firm recognises that employees want more than just to be paid for doing their job, and that their needs and desires are important to the firm. Ask not what your

employees can do for you, but what you can do for your employees. And remember, a happy worker is a productive worker, or so the thesis goes...

Our next major event is the Legal Charities Garden Party on 14 June, although there are, of course, our regular lectures which are still being held at Nabarro Nathanson's offices.

CWHLs LECTURES

THE LECTURES WILL BE HELD ON MONDAYS IN THE OFFICES OF
NABARRO NATHANSON, LACON HOUSE, 84 THEOBALD'S ROAD, WC1X 8RW

- 22 May** **THE ENDING OF THE FAMILY SETTLEMENT AND COKE, FERRARIS AND MR BROWN** Christopher Sokol
Christopher Sokol will lecture on this year's Finance Bill. Called to the Bar in 1975, he practises from 15 Old Square where he specialises in Revenue Law. He is a member of the Chancery and Revenue Bar Associations. He is a long time contributor to "Taxation" and a Master of the Bench of Lincoln's Inn.
- 19 June** **STAMP DUTY LAND TAX UPDATE** Patrick Cannon
Patrick Cannon will include the following points in his lecture:
 - Overview and Finance Bill 2006 changes
 - Leases and problem areas
 - Vendor and purchaser building contracts and developers
 - Sub-sale problems and land registration procedures
 - Disclosure of SDLT avoidance schemes
 - Some recent compliance changes
 Patrick Cannon qualified as a solicitor but was called to the Bar in 2003 and practises in the Chambers of GR Bretten QC at 15 Old Square, Lincoln's Inn. He is the author of Tolleys Stamp Taxes 2005/06 and his free SDLT Newsletter is available at www.patrickcannon.net
- 10 July** **TRUST AND PROBATE UPDATE** Victoria Cook
In her lecture, Victoria Cook will cover the following topics:
 - Recent developments in Wills, Probate and Trusts case law;
 - Summary of changes to the tax rules for Trusts, focusing on the effect on Will trusts;
 - Post-death variations;
 - Issues arising from civil partnerships, cohabitation, second marriages.
 Victoria Cook trained at Burges Salmon in Bristol and qualified into the tax and trusts department in 2001. She joined the private client department at Bircham Dyson Bell in October 2005, and her areas of practice include estate planning, wills and probate and advice on onshore and offshore trusts and tax issues.

These lectures will be held at the offices of **Nabarro Nathanson** at Lacon House, 84 Theobald's Road, WC1X 8RW. They begin at 6.15 pm with a drink available from 6.00 pm. One hour of CPD is available (ref: JC/CWHLs) – please give your roll number when attending.

TO: Mrs E J Beesley, CWHLs, 25 Rotherwick Road, London NW11 7DG DX 33801 Golders Green
Please send tickets for the following lectures: £20 per ticket for members and £30 per ticket for non members

	Member	Non member
The Ending of The Family Settlement and Coke, Ferraris and Mr Brown	_____	_____
Stamp Duty Land Tax	_____	_____
Trust and Probate Update	_____	_____

I enclose a cheque for £_____ payable to the City of Westminster and Holborn Law Society

Name	Name of Firm

Address	

DX	
Signature	Date
_____	_____