



A Legal Insight

Your Weekly Newsletter from
Chhokar & Co

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Editor's note

Welcome to this week's newsletter which includes articles of the legal happenings that have been taking place. This is a way for you to stay informed of current news and legislation changes.

All the topics that are covered in this newsletter are areas of law that we deal with as a firm so if you have any questions or queries arising from any of these articles, Chhokar & Co is here to help.

You can contact our Head Office in the United Kingdom by e-mail, via SKYPE and by phone. You can also contact us through our website Enquiry Form: www.chhokar.com.

- Nagini Indran

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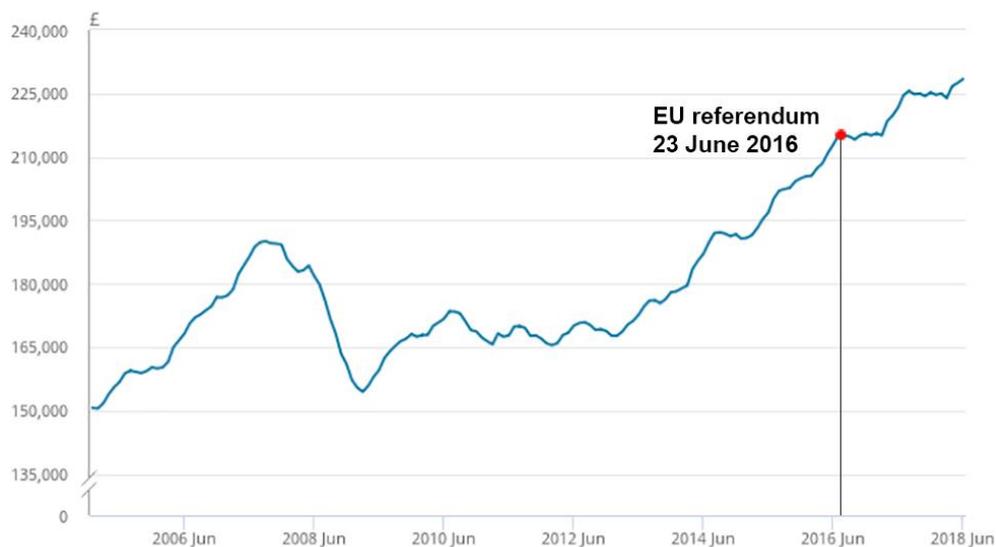
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RESIDENTIAL PROPERTY

How much does politics impact the property market?

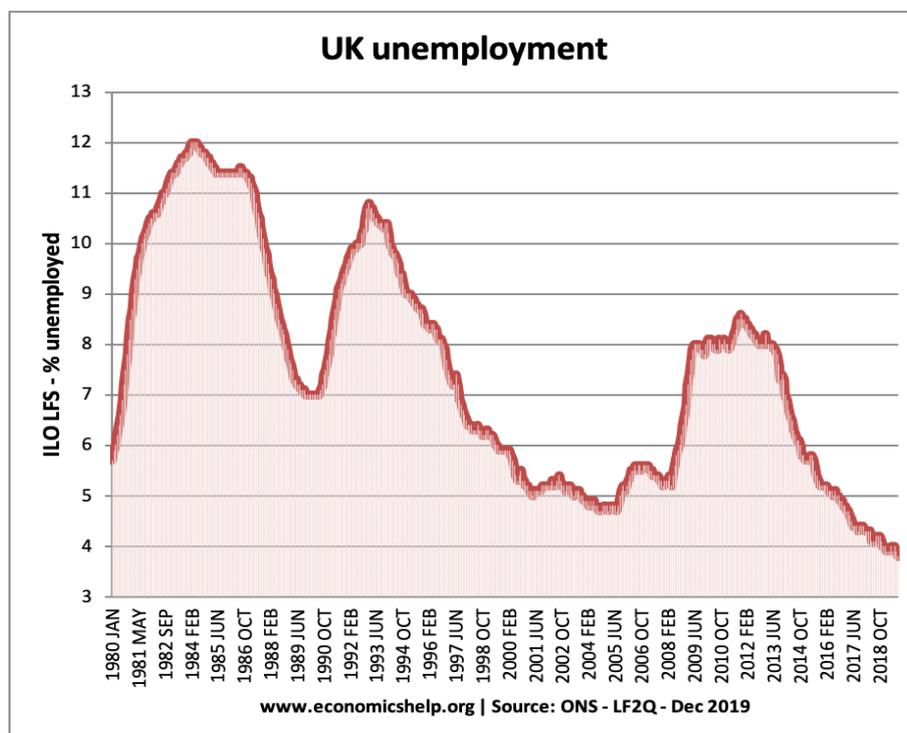
Now that the General Election is over and the country is in the most political stable state that it has been in for a while, now is the right time to make predictions on the housing market. Politics has a very significant impact on the housing market, this is shown by the following statistics. Before the EU referendum in June 2016, house prices saw an annual growth of 8% however, when looking at the house prices nearing the end of 2019, house prices had dropped by 1.3%.



<https://www.loveproperty.com/guides/79961/brexit-and-house-prices-the-property-survival-guide>

With the country in a limbo during the end of 2019, most people held off from listing their properties for sale and buyers were also awaiting a more stable time to purchase a property. With the election over and the Conservative party now in power, Rightmove, have forecasted that 2020 will see the housing market increase with a 2% increase in prices.

Property expert, Miles Shipside, has stated “with much of the political uncertainty removed, we expect that the number of properties for sale will recover...however, property supply is still limited, with estate agents having the lowest proportion of properties available for sale in two years... the fundamentals still remain sound with low interest rates, lenders competing to lend, high employment and average wage growth outstripping house prices”



There have been numerous arguments stemming from whether politics has an impact on the housing market, however, each political party puts different levels of importance to different things and with this comes the different policies that are offered, for example in 2013 the Conservative party had introduced the Help to Buy ISA which helps first-time buyers buy a property, the house prices that year had increased a lot and a lot of people felt it was due to the introduced scheme.

Economic uncertainty is the main reason for annoyance over Brexit this leads to fewer sales of properties taking place in 2019 compared to 2018. Another area of uncertainty is the deal that Boris Johnson will negotiate with the EU, in the worst case scenario the UK will leave the EU with a no deal which KPMG have predicted will cause house prices to decrease anywhere from 6-20%.

At Chhokar & Co Solicitors we are highly experienced with helping people buy and sell property, whether you are a first time buyer or already on the property market contact us for a consultation at +44 (0) 208 574 2488 or law@chhokar.com

FAMILY

First heterosexual couple to legally become Civil Partners

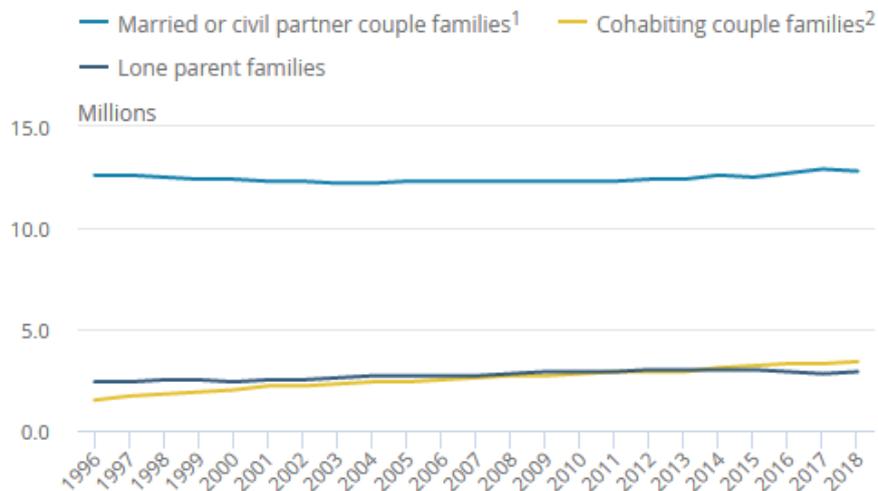
Civil Partnership received Royal Assent in 2004 allowing same sex couples the ability to enter into a Civil Partnership and to obtain the same rights as couples that are married, however, in October 2019 Parliament made the decision that opposite sex couples can now enter into a Civil Partnership.

Although there are similarities between a marriage and a Civil Partnership there are key differences such as, those that are in Civil Partnerships are not allowed to call themselves 'married' due to legal reasons and a decree absolute is needed to end a marriage however in order to end a Civil Partnership you will need to obtain a dissolution order.

The rights that are acquired by marriage and Civil Partnership are similar with regards to the same property rights, pension benefits, next of kin rights (e.g. at hospitals) and parental responsibility for the child of a partner.

Currently, in the UK the only option for couples is to either enter into a marriage or a Civil Partnership, it was found in a study carried out in 2007 by Resolution that almost two-thirds of couples that were in cohabiting relationships were unaware that common law marriage is not valid in the UK. With the surge in the amount of cohabiting couples and being named the fastest growing family type in the UK it's important that their rights are made aware to them but further yet arguably a change in the law that gives them the same rights as a couple who is married or in a Civil Partnership.

Number of families by family type, UK, 1996 to 2018



<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2018>

Although cohabiting couples don't have much of the same rights as married couples, couples can enter into a cohabitation agreement. A cohabitation agreement is a legally binding agreement which will give you security against certain things in the relationship such as how many shares each person has in the property, what debts will be paid by each individual and also a plan of how assets will be shared in the event of a separation.

It's Important for couples to know what rights they have depending on their situation and introducing Civil Partnership for heterosexual couples will leads to, couples who don't want to get married, acquiring similar rights that are gained with marriage and better protection than a cohabitation agreement.

Here at Chhokar & Co, we pride ourselves in our family law work, if you have any enquiries regarding the article or any other family law issue, contact us contact us for a consultation at +44 (0) 208 574 2488 or law@chhokar.com.

IMMIGRATION

Officials worried about the lack of EU citizens applying for the settlement scheme

It's been reported that there are up to 900,000 EU citizens that are currently residing in the UK that are yet to apply for settled status which will be required for them to continue residing long-term in country after the UK leaves the EU. This is especially more significant in the case of a no-deal exit.

There have been a lot of concerns that Home Office are accidentally issuing pre-settled status which is the weaker of the two status' that are offered to EU citizens by default due to the lack of information given to them with applications.

The difference between settled status and pre-settled status is that in order to obtain settled status you must have lived in the UK for a continuous period of 5 years, if you are able to gain a settled status you are later allowed to apply for a British Citizenship if you meet the criteria. Whereas a pre-settled status is given to those people who have not lived in the UK for a continuous period of 5 years, if you obtain this status then you must apply for a settled status as soon as you reach the criteria but if not, you can only continue living in the UK for further 5 years.

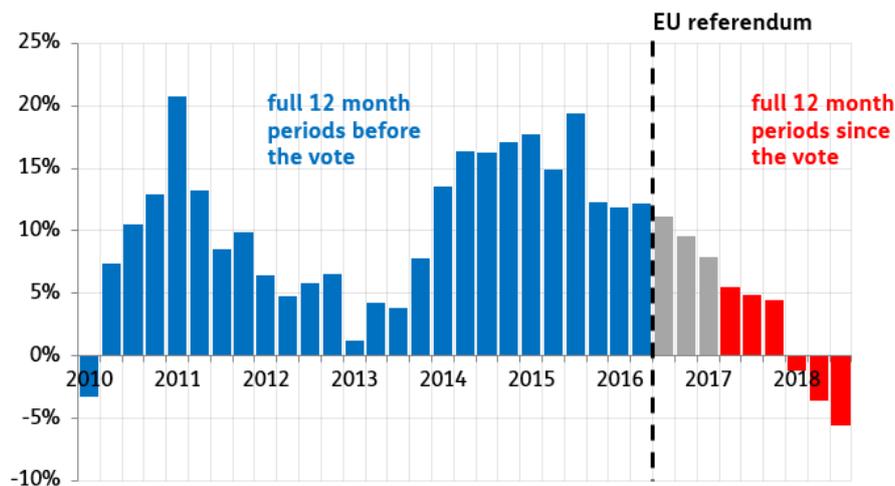
After criticism over the settled scheme from Liberal Democrat spokeswoman, Christine Jardine who has stated that she is not happy that the system is not automatic, the Security Minister, Brandon Lewis has responded by stating that there is a lot of effort being put in to protect the rights of the EU citizens and he would like

to see the same effort reciprocated by EU member states to ensure that UK citizens living abroad are treated the same way.

“This is about trying to grant the right. This is not about trying to trip people up... we’ve set this up from scratch. All this is here to try say yes to European citizens, to give them their rights” is a direct quote from a civil servant, figures have also shown that only six applications were refused and they were purely due to suitability grounds.

Growth in EU workers: before and after

Growth rate of non-UK EU nationals working in UK, each quarter compared to same quarter in the previous year 2010 Q1 - 2018 Q3



Source: ONS UK labour market: November 2018, table EMP06

Full Fact

<https://fullfact.org/immigration/eu-citizens-brexodus/>

Both status' given individuals the same rights as they did before Brexit most importantly the right to work in the UK which leads the UK government to believe that the scheme has been unfairly and heavily criticized compared to some member states which are charging hundreds of pounds for UK nationals to secure the same rights as before Brexit. A representative of the Home Office has stated “we have done far more for EU citizens than any other EU member state ha done for British citizens, and it’s time they adopted a similarly generous approach. We have already provided certainty to 2.5 million people who have been granted status through the EU settlement scheme...”.

Immigration is a serious and complicated matter, here at Chhokar & Co we have years of experience dealing with immigration matters. Feel free to contact us for a consultation at +44 (0) 208 574 2488 or law@chhokar.com

WILLS, TRUST & PROBATE

Unhappy daughter contests her mother's Will after being left with £100

Patricia Johnson has tried to claim that her mother's will was not valid after she was due to inherit a lowered £100 from the £10,000 that was in the original Will that Maudlin Bascoe had made.

The original Will that was made in 1992 included a clause that stated all four of her children were due to inherit £10,000 each. However, this was then made invalid after drafting a final Will in 2005 which stated that she had no inclination of leaving her daughters anything "beyond the legacies I have made in this Will" the main reason being she had experienced "rude, unpleasant and in some instances physically violent behaviour" from her daughters which led to her decreasing the amount that they are due to have.

When contesting the Will, Patricia had claimed that Mrs. Bascoe lacked capacity due to the suffering of dementia and had drafted the new Will through undue influence by Barnaby, her son, who was made co-exactor of the estate and was due to inherit the rest of her estate. There was also an allegation that the signature by Mrs. Bascoe was forged on the Will therefore could not be valid.

This was later rejected by the Judge as there was evidence that the diagnosis for Vascular Dementia was only made in 2009 which was 4 years after the final draft of the Will. Furthermore, Mrs. Bascoe was denied from making another draft of the Will in 2012 due to the lack of her capacity, meaning that by being allowed to draft the Will in 2005 she had 'testamentary capacity' which in itself proves that she was not acting under the undue influence of her son.

The Judge later commented "Miss Johnson has come nowhere near establishing the basis of any proper challenge... her evidence has been contradictory, self-serving and deliberately misleading".

Here at Chhokar & Co we are experienced in wills, trust and probate. If you have any enquires regarding your Will arrange for a consultation by calling +44 (0) 208 574 2488 or emailing law@chhokar.com.

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