

lindsays life

Issue 15



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For you and your family

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the *life* of this magazine

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Welcome to our fifteenth issue of *lindsays life*

This issue looks at challenges that affect many of us day-to-day – how to make family life run smoothly, how to get a sensible work-life balance and how to look out for our loved ones.

In terms of making family life run smoothly, we have articles on: how to move on after divorce; grandparents' rights to see grandchildren; and whether a postnuptial agreement can be the secret of a great marriage.

There's also a piece on the 'right to disconnect' from work emails and calls and how employers can manage their policies on that.

Planning for the future and looking out for loved ones is challenging because the unexpected does happen. The death of a partner is not something anyone wants to think about but some basic planning can prevent a difficult situation getting even worse. So it's worth reading the articles on pages 04 ('Safe as houses...') and 08 ('I wish I'd known this...').

On a happier note, we offer some tips around buying a second home (page 05) and becoming a charity trustee (page 10). And we fire the starting pistol for the next Lindsays National Cross Country Championships season.

We also congratulate Eilish McColgan who is sponsored by Lindsays and won an impressive silver medal in the 5000 metres race at the 2018 European Championships. On page 15 she tells us about her determination to get children into sport.

Congratulations also go to our latest cohort of new trainees and newly-qualified solicitors (see page 14). They have a bright future in front of them and we're delighted to start them on their career journey.

We very much hope you enjoy this issue of *lindsays life* and find it useful.

Peter Tweedie
Chairman

petertweedie@lindsays.co.uk
0131 656 5607





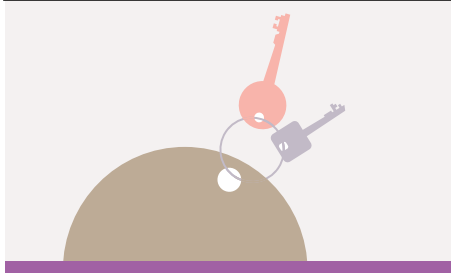
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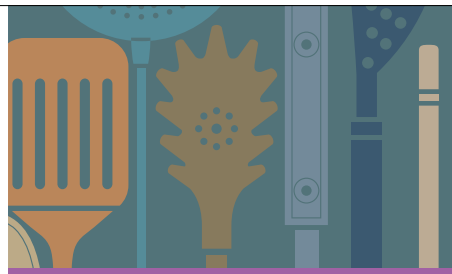
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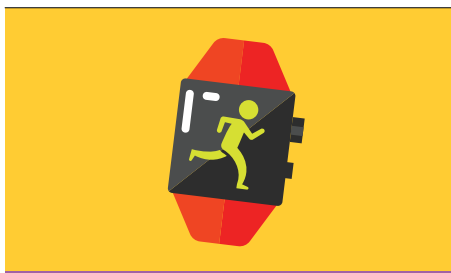
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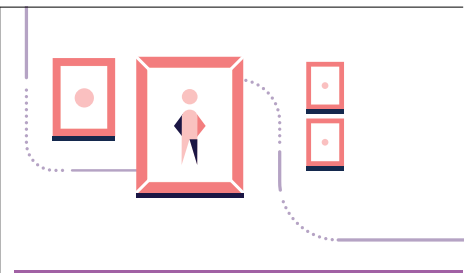
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Do I have *a right* to see my grandchildren?

It's a question we're often asked when families and relationships break down

There's an Italian proverb along the lines of "If nothing is going well, call your grandmother!"

This pretty much sums up the role that grandmothers (and grandfathers) often play in children's lives – the best source of treats, a sympathetic ear, and life lessons on anything from baking to fishing.

But in the crossfire of a divorce or family breakdown, grandparents' contact with children is often lost. This may be deliberate, or just the result of the fall-out from family conflict, changed lives or relocation.

If this happens, what rights do grandparents have to see their grandchildren?

Grandparents of children in Scotland don't have any automatic right to contact, but they do have various avenues for securing it.

“Grandparents of children in Scotland don't have any automatic right to contact, but they do have various avenues for securing it.”

If family conversations about seeing the grandkids have failed, the next step is to look at family mediation or other methods of 'alternative dispute resolution' (ie alternatives to litigation). Family lawyers with experience in this area are used to removing the heat from such situations and finding workable solutions that suit different family members – especially the children.

“The presumption is usually that a continuing relationship is in the child's best interest”

If all else fails, it's possible to apply for a court order for regular contact between grandparents and grandchildren. In deciding whether to grant an order, the court will look, above all, at the best interests and welfare of the child(ren). Though there is no automatic right to contact, courts usually recognise the valuable role that grandparents can play in children's lives. The presumption is usually that a continuing relationship is in the child's best interests, unless there's evidence to the contrary, such as a risk of abuse.

However, as well as being expensive, going to court can increase the acrimony in a family situation that's already difficult. There's also no guarantee that an order will be granted, so the expense and stress may be futile. Trying to secure contact through mediation or collaborative methods should be better for all involved – the child, the grandparents and the rest of the family.

Did you know?

It's not only grandparents who can seek a contact order with a child – siblings, aunts, uncles, other relatives, godparents or even friends can do so too.

As with grandparents, the court's priority will always be the child(ren)'s best interests, and the closer the family connection, the easier it may be to show this. Given the costs and uncertainty of going to court, a contact order should always be a last resort.

Jennifer Gallagher
Partner, Family Law

jennifergallagher@lindsays.co.uk
01382 346400



Life after divorce: how to ‘move on’ without *rocking the boat*

When moving on post-divorce, be careful not to undo any previous good work around finances, residence and contact

The internet is awash with advice about life after divorce. As well as practical guidance about finances and children, there are lessons about moving on emotionally (‘Treasuring your magnificence’ and ‘realizing you are born with gold nuggets’ is the advice of one US psychiatrist!).

But one lesson these well-intentioned websites often forget is that, as well as moving on, you need to stay on the ball. With the financial settlement concluded and residence, contact and support arrangements finalised, many people think that’s everything sorted. It is, but it’s all too easy for subsequent developments – either emotional or financial – to rock the boat.

A new partner: We often see situations where the other parent is concerned about the new partner’s lifestyle or influence on their children, and then wants to review the child(ren’s) residence or contact arrangements.

A new partner with money: If an ex-wife moves in with a wealthy partner, does this give the ex-husband the right to terminate spousal support payments? This is a complex area, and has led to many a court case.

A new job: One parent is offered a job abroad or at the other end of the country, and wants to relocate the children. Or the other parent wants to stop it happening. In an increasingly mobile world, this issue is more and more common, and it’s too easy for the discussions to reach deadlock.

Financial shocks or changes: For example, a parent who pays child support is made redundant or downsizes, and wants to review the child support arrangements.

All of these situations can easily reawaken grievances from long ago, and escalate into full-blown emotional or legal stalemate.

With all post-divorce disputes, just as with the original divorce, it’s worth trying everything possible to stay out of court. Ways to do this include using family mediation, negotiation, or collaborative law (a process of negotiation that involves four-way meetings with clients and solicitors and a commitment to avoid going to court).

An amicable divorce will only stay amicable if all involved are committed to keeping it that way – and constructive legal advice may well be needed to deal with problems before they escalate.

Nina Taylor
Partner, Family Law

ninataylor@lindsays.co.uk
0131 656 5788



“...it’s all too easy for subsequent developments - either emotional or financial - to rock the boat.”



Safe as houses? *A Will can help*

Making a Will can safeguard the future of your home and your loved ones. Otherwise, their fate may lie in the hands of the law

No one wants to think about death or disaster when they're celebrating a house purchase. But since it's probably the biggest financial commitment you've ever made, you need to consider what would happen if you died.

Scotland has rigid laws about who inherits your property if you die without a Will, and those laws can have unforeseen consequences. If you've recently bought your own home, or family members have just done so, this is something you need to think about.

The following are some of the risks you run if you own a property and die without a Will:

- Cohabitees don't have an automatic right to inherit, unlike spouses and civil partners. Depending on your title deeds, they may only be entitled to a partial share of the property or no share at all.
- It's possible for a cohabitee to claim on your estate if you die, but there's

“Your children or any other chosen beneficiaries could miss out on an inheritance you wanted them to have.”

a strict time limit of six months to do this and the outcome is very uncertain. This adds to the pressure on them at a difficult time.

- Alternatively, a cohabitee you never wanted to inherit the property could go to court to claim a share of it.
- Your children or any other chosen beneficiaries could miss out on an inheritance you wanted them to have.
- Your estate could face legal disputes and additional fees.

All these potential issues could add to the distress of loved ones, whereas a Will can provide protection and certainty.

Wills need updating

If you already have a Will, congratulations. But you should certainly review it, and perhaps update it, when you buy a property. This will help ensure that it suits your current situation – especially if property purchase is part of a change in your marital or relationship status.

So, rather than crossing your fingers and hoping for the best with your new property, it's much safer to make a Will. It may be the last thing on your mind when you're busy furnishing and settling into a new home, but it certainly has a place on your list of things to do.

Morag Yellowlees
Partner, Private Client Services

moragyellowlees@lindsays.co.uk
0131 656 5538



Don't get caught unawares by *Additional Dwelling Supplement*

Many people are surprised at having to pay ADS when they buy a property in Scotland, so be prepared

When the Additional Dwelling Supplement (ADS) was introduced in Scotland in 2016, it went beneath the radar for many people.

Firstly, the earlier Land and Buildings Transaction Tax (LBTT, the successor to Stamp Duty Land Tax) was still grabbing most of the attention. Secondly, a lot of people assumed ADS wouldn't apply to them. On this second point, a fair number of them have been proved wrong.

“ADS is a one-off tax of 3% on purchases of second homes or residential properties which are bought for investment purposes. It applies only on homes sold for over £40,000, but is charged on the whole purchase price.”

ADS is a one-off tax of 3% on purchases of second homes or residential properties which are bought for investment purposes. It applies only on homes sold for over £40,000, but is charged on the whole purchase price. It is paid in addition to LBTT.

There are several situations where people may be surprised to find themselves in the ADS net:

- It applies if you already own residential property anywhere in the world, not just in Scotland.
- It applies to the second (or subsequent) property you own, not the second property you buy. If you have previously inherited or been gifted property and still own it, ADS could be payable on your next purchase.
- Spouses, civil partners, even cohabittees are seen as one unit for ADS purposes. For example, a couple marry, and the wife already has a flat. They keep that flat, but buy a house to live in. Even though the husband has never owned a property before, ADS will still apply to the property they buy.
- Buying a property through a company or partnership does not exempt it.

Another situation encountered is where people buy a new home, but their old home is still on the market when they purchase the new one. In this case, ADS is still payable, but can be reclaimed when the old home is sold. The sale has to take place within 18 months of the new purchase, so take this into account when planning the timing of a move.

Timing is also important with multiple purchases. Let's say someone has a windfall, and buys a property to live in and another one to rent out. They don't own any other property. Since ADS applies only to the second property purchased, they could limit their ADS bill by buying the more expensive one first. As with all taxes, there is plenty of small print around ADS. Practical advice upfront could well prevent or limit unexpected bills, or make the process of reclaiming tax easier.

How much would ADS cost?

Property purchase price = £200,000

ADS @ 3% of £200,000 = £6,000

This is payable in addition to the LBTT @ 2% of the difference between 200,000 and 145,000 = £1,100

Kirsty Cooper, Senior Associate,
Residential Conveyancing

kirstycooper@lindsays.co.uk
0131 656 5779





Do employees want the right to *disconnect*?

Would your business benefit from a limit on out-of-hours emailing, or do workers prefer flexibility over greater protection?

On both sides of the Atlantic, there are growing calls to give employees the right to ignore out-of-hours work calls and emails.

In France, organisations with more than 50 workers are obliged to negotiate on employees' rights to ignore their smartphones and other devices outside working hours.

And New York City Council is considering a law that would ban private companies with more than 10 employees from requiring workers to respond to communications such as emails and texts out of hours. Employers would still be able to send them, but they wouldn't be able to discipline workers for ignoring them.

A wide range of multinationals too – including Volkswagen, nuclear power company Areva and insurer Axa – have introduced company policies against workers' 'hyperconnectedness'.

It's all part of a growing wish to protect workers against burnout, intrusion, and 24/7 work pressures.

Does this mean your business needs such a policy, or may be forced by law to introduce one?

There are no such plans in the UK. However, you are probably already subject to rules on the 48-hour working week, and requiring employees to be available to deal with emails or calls can count as working time.

But burnout and employee morale is every business's problem, in whatever country you operate. So, you may want to discuss the right to disconnect with your staff, for the sake of improving staff engagement or your business culture.

Bear in mind, though, that the right (or obligation) to disconnect is not every worker's cup of tea. For all those who want to be protected from having to deal with emails as soon as they leave the office, there are others who want the flexibility of out of hours working.

“For all those who want to be protected from having to deal with emails as soon as they leave the office, there are others who want the flexibility of out of hours working.”

For instance, many people like the option to leave work early to spend time with children or family, and then to spend an hour or two catching up with emails later in the evening, or on their early-morning commute.

As a result, simply limiting out-of-hours messaging or access to emails may alienate as many staff as it delights. But we do recommend starting a conversation with your staff about this, gauging their concerns, preferences, and then trialling possible solutions.

If you do this, there are two things to remember. The first is that the conversation should be organisation-wide, so include people with different levels of seniority and working patterns and from different generations. The second is that senior staff have to set the culture. If you do adopt a company policy, you have to follow it yourself.

Kate Wyatt
Partner, Employment

katewyatt@lindsays.co.uk
01382 317182



It's an unfortunate fact of rural life...

...that legislation introduced with urban dwellers in mind often has unintended consequences in the countryside. This has recently happened with housing law

At the end of 2017, the old residential tenancy known as a short assured tenancy (SAT) was replaced in Scotland by the Private Residential Tenancy, or PRT. The headline difference is that the new PRT has no end date, and landlords cannot give tenants a 'no fault' notice to quit. Instead, they need grounds such as rent arrears or antisocial behaviour to evict them.

Giving tenants greater security is a defined intention of the PRT, so that's not the unintended consequence. The problem is the practical impact in the rural context.

For example, farmers who grant a six-month let and then take back the property for harvest or lambing can no longer do this. To provide accommodation for seasonal workers, they may have to let the property sit empty the rest of the year.

Another example is where cottages are next to farming infrastructure or the farmhouse and the relationship with a tenant is difficult. Unless the farmer can show grounds for eviction, they may be stuck with a bad neighbour.

“Farmers who grant a six-month let and then take back the property for harvest or lambing can no longer do this.”

In addition, there's an issue for landlords where, under current leases, their tenant farmers are allowed to grant short assured tenancies. Unlike with SATs, a PRT granted by a tenant farmer to a sub-tenant survives the end of the farm tenancy.

Let's say the tenant farmer grants a PRT shortly before his own farm lease expires. Under the new system, the landlord is deemed to have granted the PRT himself on the same terms. So, even if the sub-tenancy was granted to a friend on a soft rent, the landlord is stuck with the arrangement and the mate's rate.

So, how can landlords protect themselves? It depends on the circumstances.

For example, if you still have tenants on a tenancy from before December 2017, it may be worth sticking with the status quo (it's only new tenancies since December 2017 that are PRTs).

On the other hand, if farming tenants' current leases allow them to grant SATs (and therefore PRTs), the status quo could put you at risk.

If any of this may affect you, it's best to take advice rather than sit back and hope for the best. Doing nothing now could be costly later on.

Andrew Linehan
Partner, Rural Services

andrewlinehan@lindsays.co.uk
0131 656 5782



I wish I'd *known this* when my partner died

Dealing with the death of a loved one is always difficult, but there are ways to make the practical aspects more straightforward. These are some of the things we commonly hear from clients

The most common reflection from bereaved relatives has to be, "I wish they had made a Will". Multiple complications can arise from someone dying without a Will, including their children or other loved ones missing out. Making a Will is especially important when you buy a property, as we explain on page 04.

Less significant, but still a worry is being uncertain where to find a spouse or partner's Will. History and novels are full of complications around misplaced Wills, and people get anxious about this. The usual practice is to have your lawyer keep a Will; if not, tell people where to find yours.

Another issue that complicates the process of sorting out someone's estate is not knowing what assets they have. It's common to find people had pensions, shares, or even property their family were unaware of. Make a list of what assets you own and where they're held.

Delays and costs can arise when families or partners jump the gun on admin. The Registrar of Births, Deaths and Marriages must register the death within eight days, but there's no immediate rush for advising organisations. In fact, telling banks about a death, rather than waiting for the deceased's executor to do it, can make the latter's task more complex.

Another common mistake with banks is for a spouse or partner to close the deceased's bank account – never do this without checking with the executors.

The digital age has opened up new uncertainties for surviving family members or partners – for example, the issue of their 'digital legacy', or what happens to their social media accounts. It's helpful if people specify this in their Will (or in their account settings), as this can avoid distress later on.

One digital problem partners worry about is not having passwords and access for online accounts for banks or other organisations. In fact, this is not a major issue as the executors can request these from providers.

"It's common to find people had pensions, shares, or even property their family were unaware of."

Finally, many people say they wish they'd known how long correspondence for the deceased would continue to arrive – this can go on for months or even years. Knowing this in advance won't change the situation, but having realistic expectations may reduce upset or frustration.

Another source of uncertainty – and disagreements – after a death is what type of funeral to arrange. We go into this in more depth on page 13.

Callum Kennedy
Partner, Head of Private Client
callumkennedy@lindsays.co.uk
0131 656 5670



The recipe for a great marriage could be a *postnup*

Should you be concerned if your partner suggests a postnuptial agreement? You should probably applaud their good sense. If you don't already have one, you may well want one

Suggesting a postnup to your partner is not exactly the stuff that romantic dreams are made of, but it can prevent the less desirable fireworks in a relationship. And however long you've been together, it's never too late to consider one.

A postnuptial agreement is similar to a prenuptial agreement, but made after a wedding or civil partnership has taken place. Like a prenup, it sets out what should happen to your assets if you separate or divorce.

“By introducing transparency around your financial arrangements, it can bring greater trust to a relationship.”

Conventional wisdom is that people only ask for a postnup if they're suspicious of their partner or planning to head out the door. In reality, by introducing transparency around your financial arrangements, it can bring greater trust to a relationship.

And if you do eventually split up, it could save on legal wranglings and fees, and protect an inheritance or family business.

So why should you consider a postnup?

The general principle when couples split up in Scotland is that assets which one partner owned before the marriage, or received as a gift or inheritance afterwards, are not included in the matrimonial pot, which is divided if you split.

But life is fluid and the lines around the pot can blur. A couple of examples should illustrate this:

- A wife inherits family money after her marriage. As it's an inheritance, it's not included in the matrimonial assets. But what if she then uses it as a deposit for a property the couple live in, or to set up a business they both run? Then it may be part of the matrimonial pot, after all.
- One partner builds up a thriving business whilst still single. Shortly after marriage, he changes the structure of the business – for example, incorporates it. Even if he built the business pre-marriage, it may now be a matrimonial asset and part of any financial settlement on divorce.

There are countless other examples where the limits of the matrimonial pot may be unclear. This will often make the financial arrangements on divorce more contentious and costly – especially if a family business is involved.

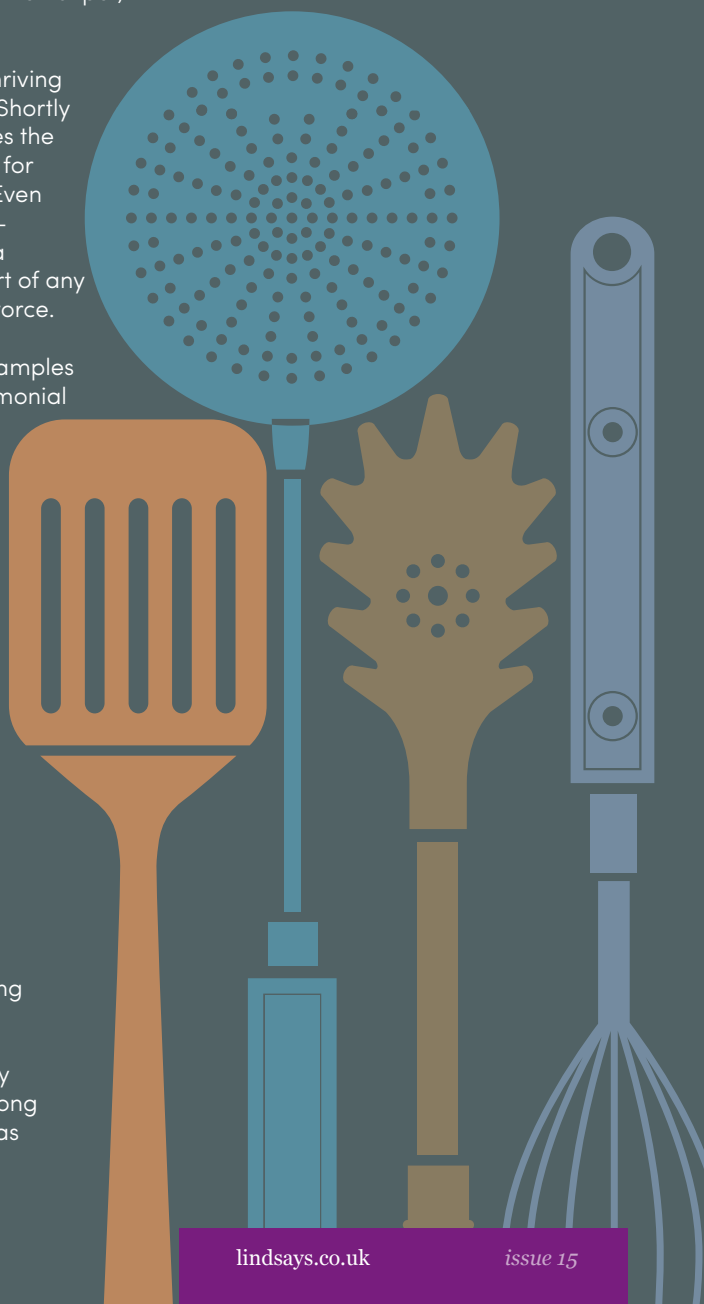
And when is a good time to do a postnup?

Firstly, if you intended to make a prenup, for example, to ringfence assets for children from a previous relationship and didn't get round to it.

Secondly, if your financial situation changes in some way – perhaps because of a windfall, business restructuring or career changes.

The agreement will be legally enforceable in Scotland, as long as it's fair, reasonable and has been properly drawn up.

Alison McKee
Partner, Head of Family Law
alisonmckee@lindsays.co.uk
0141 302 8447



VOLUNTEERS NEEDED

Your community needs *YOU*

Whatever your passion, being a charity trustee is a great way to follow your interests and perhaps boost your CV as well. And charities want to widen their boards

Doing good is a great way to feel good, according to recent research among the UK's 700,000-plus charity trustees.

Nine out of ten thought their role was rewarding and 94% said it was very important to them, according to a report called Taken on Trust. That's a great advertisement for a role that also helps thousands of good causes from local sports clubs to homelessness charities.

While the research was based on England and Wales, Scotland is likely to be similar.

But without in any way belittling their trustees' excellent work, many charities are looking for a wider mix on their boards. The average age of trustees is 60-62 and two-thirds are men, according to the report. Over 8,000 charities have boards with an average age of over 75.

So whilst the trustee 'heartland' of empty-nesters and the recently retired

remains highly valued, the charities sector also needs you if you're young, or female or don't fit the traditional stereotype. And in addition to the traditional wishlist of legal and financial experience, they're looking for digital and IT, fundraising, marketing and campaigning skills.

As well as noting the benefits of being a trustee – giving back to society, supporting your community, and opportunities to network or boost your CV – what do you need to know?

- **Follow your passion** – find a charity that fits with your interests or social life; it makes the experience more rewarding

“Many charities are looking for a wider mix on their boards. The average age of trustees is 60-62 and two-thirds are men”

- **Get your employer on side** – one challenge reported by younger trustees is that employers don't give them time off for trustee meetings. So sell them the benefits of your involvement, and even get the wider organisation supporting your charity.
- **Understand your role** – as a trustee, you do need to take your responsibilities seriously. Ask the charity to provide some governance training – not just to you but to the other trustees and senior staff as well. The whole organisation will benefit.

“...in addition to the traditional wishlist of legal and financial experience, they're looking for digital and IT, fundraising, marketing and campaigning skills.”

Lindsays act for many charities and a number of our staff and partners are also charity trustees, supporting organisations from St Columba's Hospice to the Scottish Association for Mental Health.

Lynsey Kerr, Senior Associate in our Private client services team, is a trustee on the board of Lifecare (Edinburgh) Ltd. Lynsey confirmed that she is supported by the firm to fulfil her responsibilities, saying: “I am fully encouraged by Lindsays in my role as a board member. Both myself and the firm's partners see the benefits of giving back to the community in this way.”

Another area where Lindsays can assist is in the bespoke training that we regularly provide to charity trustees.

David Dunsire, Consultant,
Charity and Third Sector

daviddunsire@lindsays.co.uk
0131 656 5654



It's *time* to put the trainers on

The Lindsays National Cross Country Season is upon us again, and it's helping to build communities as well as champions

Each autumn brings the start of the new Lindsays National XC Season, and there's great anticipation building this year.

Last year saw the season achieve its own PB, with more runners involved than ever before. Over 2,250 people took part, which is much higher than the 1,600 runners we had when we first began sponsoring the Scottish Cross Country Season in 2014.

There was also a PB on the number of local athletics clubs involved - 103 clubs in season 2017/18 compared to 75 the season before.

Special mention goes to Garscube Harriers, who scooped the award for highest participation. They had 106 runners at the National XC Championships at Falkirk's Callendar Park in February - an admirable achievement. Added to the number of athletes the club had participating at the other National Championship events this saw them edge past last year's winners Giffnock North AC.

There are different factors behind this growing engagement with the National XC Season. Social media activity is boosting membership and entry numbers. Technology has helped too - the Championships were broadcast live with drone footage, and got over 40,000 views in the UK and USA.

And people help too - all the volunteers who run local clubs and events throughout the year (on the subject of which, if you wish to do your own bit for sport, see the article opposite on being a charity trustee).

At grassroots level, these athletics clubs help to build local communities, introduce people to sport, and give them confidence and friends for life - just as our sponsored athlete, Scottish Olympian Eilish McColgan describes on page 15.

At the elite level, the season helps Scotland produce world-class athletes. One of these, 2016 Olympian Callum Hawkins presented the Lindsays Trophy to Garscube Harriers at one of their training nights.

Callum himself has twice won Senior Gold at the Lindsays National XC, he said:

“Cross country is really important to the sport in Scotland. It was how I started out, and that's where I had early success.”

Our Chief Operating Officer, Ian Beattie, who chairs scottishathletics, added:

“The level of engagement in the last Lindsays XC series reflects the great work taking place in athletics clubs across Scotland and we are pleased to support this work through our sponsorship of the series.”



lindsays
SCOTTISH
CROSSCOUNTRY
SEASON 

DATE	LOCATION
OCT 27	NATIONAL CROSS COUNTRY RELAY CHAMPIONSHIPS AT CUMBERNAULD
NOV 10	NATIONAL SHORT COURSE XC CHAMPIONSHIPS AT LANARH EQUESTRIAN CENTRE
DEC 08	DISTRICT CROSS COUNTRY CHAMPIONSHIPS WEST HILMARNOCH EAST ABERDEEN NORTH GORDONSTOUN
FEB 23	NATIONAL CROSS COUNTRY CHAMPIONSHIPS AT FALHIRH



Medical negligence claims: when is 3 years *not 3 years*?

For anyone considering a claim for medical negligence, it's important to understand the time limits involved

It's not pleasant to think about being injured by medical professionals who are there to help or heal you, but it does happen from time to time. In the last 25 years, medical negligence claims have certainly become more common.

In general, the limit for pursuing a claim for damages in Scotland is three years from the date of the incident or harm. But this may not be as straightforward to establish as you think.

“There are many reasons why your date of knowledge may be different to the date of the harm.”

This is because in many cases, the date of harm (the negligence itself) is not the same as the date of knowledge of the harm. The latter is the date you made (or should reasonably have made, or when someone told you about) the connection between your injury, pain and suffering and the possible negligence.

There are many reasons why your date of knowledge may be different to the date of the harm. For instance, symptoms, pain and suffering may not begin for some time, or a diagnosis may be delayed.

So, if you underwent negligent surgery on 21 February 2018 but didn't realise until 10 March 2019, it could be argued that your three-year time limit to take the case to court expires on 10 March 2022 rather than 21 February 2021.

David Armstrong, Partner,
Head of Personal Injury team

davidarmstrong@lindsays.co.uk
0141 302 8466



How is the date of knowledge worked out?

If a medical professional tells you about the harm, that can generally be confirmed as the date of knowledge. But if you personally make the connection between your injury and possible negligence, the date of knowledge may be trickier to show. Several factors may be taken into account, including:

- your mental capacity
- the significance of the alleged negligence
- who carried out the procedure
- when you ought to have made the connection.

You won't be surprised to learn that all of these factors can prove contentious or hard to establish.

There are other exceptions to the three-year time limit too. These include cases:

- involving a child
- where the injured person lacks mental capacity to bring a claim
- where the injured person dies.

In each of these examples, the three-year limit will be applied differently.

All of these different factors and circumstances matter because if you don't establish and meet the three-year time limit, you won't be able to make the claim. For this reason, it's important to seek legal advice as soon as you believe you may have suffered from medical negligence. You can contact our team of specialist personal injury solicitors on 0808 169 5899 for expert advice that you can trust.





Planning a *send off* to remember?

If you want an unusual funeral, it's best to be clear about your preferences. It's also worth stating who gets the final say over any arrangements

Talk to a funeral director and they'll tell you that people's funeral arrangements are becoming more and more diverse.

We see this too – we've heard about Viking funerals, back-garden burials, superhero and punk-rock themed ceremonies. There is also an increasing trend of people making mementoes out of people's ashes, known as 'cremorials' – your loved ones ashes can be used in sculptures, mixed with paint to create a piece of art, or even turned into jewellery. Some of these ideas have come from the deceased; others from their relatives.

But this widening choice of options is making funeral arrangements more contentious. Families often disagree about what the deceased 'would have wanted' – cremation or burial, humanist or religious, private or larger-scale, traditional or idiosyncratic.

And different parts of the family – especially in blended families – may also disagree about how they themselves want to remember the person. Disputes are commonplace – arguments breaking

out at funerals are not confined to soap opera scenes, nor are ongoing legal battles about what happens to someone's ashes.

“If you don't specify who gets the final say, the law will make the decision for you.”

In general, the best way to avoid such disputes is for people to plan ahead before their death. Some people like to design their own funerals, specifying what they want in their Will or another document.

And with arrangements such as leaving your body to medical science, you need to make arrangements yourself before your death with a university which has an anatomy department.

Others believe that funeral and other death arrangements are more about the

wishes of surviving loved ones, and leave it to them to decide these. Since 2016, it's been possible to specify in your Will or an 'Arrangements on Death Declaration' who you want to take charge of your funeral arrangements.

Another effective way to head off or settle future disputes is to state in your Will that your executors should have final say over the funeral and what happens to your remains.

If you don't specify who gets the final say, the law will make the decision for you. There's a specified order for this – with spouses, civil partners, and a partner you've been living with for six months all coming above your children in the pecking order of who can choose the arrangements.

Therefore, if, for example, it's important to you and your children that they decide what happens, you need to put this in a Will or Arrangements on Death Declaration.

Clare McCarroll
Partner, Private Client Services

claremccarroll@lindsays.co.uk
0131 656 5609



Helping our *trainees* on their career journeys

As part of our investment in the future of Lindsays, we're welcoming new trainees and newly-qualified solicitors to our team

One of the ways we look after our clients at Lindsays is to invest in our people. Across the firm we develop talented staff who offer not just good legal advice, but practical solutions and a willingness to listen to clients.

As well as investing in training our current team, we're always looking to develop our future staff and partners. This means our trainee solicitors are an important part of life at Lindsays.

This autumn, seven new trainees have joined us, and we're also recruiting for eight trainees for September 2020. In addition to our first-year trainees, we currently have a further four who are mid-traineeship and are based in our Edinburgh, Glasgow and Dundee offices.

During their two-year traineeship, they'll work in different departments in Lindsays, and their development will include commercial awareness and time management techniques. They'll also

further their ability to work as members of a team, communicate with colleagues and clients, and deal with people who are often going through challenging times.

This autumn, seven new trainees have joined us, and we're also recruiting for eight trainees for September 2020.

All these skills will help them deliver positive outcomes for clients and develop their careers.

Previous trainees certainly are thriving in their career journeys. This month three Lindsays trainees – Amy Gordon, Caroline Millar and Eilidh Robertson – have just started in permanent positions in the firm, as newly-qualified solicitors.

We also have previous trainees working in the firm from Solicitors, Associates and Senior Associates to Partners. Our Managing Partner, Alasdair Cummings, himself first came to Lindsays as a trainee, fresh out of University.

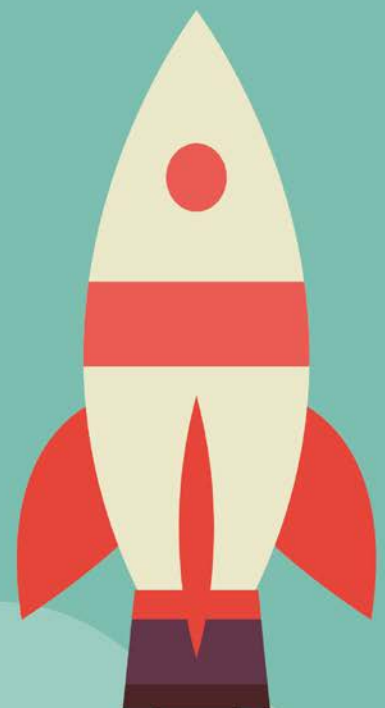
Alasdair said: *"We're delighted to be able to support Scotland's lawyers of the future."*

"Each time we recruit for trainee positions, we're impressed by the skills, determination and 'can do' approach of young people. There's a very strong pipeline of legal talent coming through in Scotland, and both our clients and Lindsays will benefit from that in the future."

"The training and support we give to our trainees will maximise the potential of the 15 people who join us this year and in 2020, and we look forward to helping them develop and qualify."



Photo [L-R]: Rachel Salmond, Rebecca Leslie, Kirsty Martin, Kendall Allan, Samantha Miller, Caitlin Connolly, Philippa Abernethy.



“We must inspire the next generation”

Athlete Eilish McColgan, who won a silver medal at the 2018 European Championships, tells us why she encourages schoolchildren to do sport

“I remember how, as a youngster, excitement levels would soar through the class if we ever had a guest speaker visit us. It didn't matter what the talk was about.

I hated doing public speaking myself in school. And never in my wildest dreams did I think I would have the confidence to stand in front of a crowd and tell my story. But after the 2012 Olympics, I started to get a few requests from local schools, asking could I go along to give a quick chat about my sport - how I got involved and what it takes to make it to the Olympic Games.

Initially, I was a little unsure that anyone would want to listen to my story but the reception I received was extremely welcoming, and I was inundated with questions from the little ones especially.

Every time I give a talk to a school, I hope to engage people in different ways.

Of course, I hope to spark enthusiasm in the sporty kids who dream of being the next big sporting star. But I also hope to catch the less confident kids or the ones who have no interest at all, and encourage them to try. It's not about coming first. It's about making new connections and lifelong friends; learning a new skill and how to work with others; becoming active; improving oneself; and ultimately being happy.

As a kid, I was never the fastest kid in school or the most talented but I persisted and my hard work came to fruition. I want to emphasise this in my talks in schools.

Personally, I feel more work needs to be done to inspire the next generation. There needs to be a shift in order to make sport 'cool' again amongst kids. I try to do as many school talks as I can at the end of my summer racing season but we need more athletes doing this and encouraging the next generation.



Eilish McColgan - Olympic, World and Commonwealth Finalist and European Silver Medalist

The Winning Scotland Foundation do a great job of getting athletes across all different sports into schools across Scotland, and it's certainly something I will continue doing.

“As a kid, I was never the fastest kid in school or the most talented but I persisted and my hard work came to fruition. I want to emphasise this in my talks in schools.”

Over the last few years, I've met thousands of kids through my work in schools. If my words have reached the ears of just one child and had a positive impact on their life, I can end my career with a big smile on my face - knowing that their journey is only just beginning.”



Congratulations to our promoted lawyers

Our latest round of promotions reflect the firm's strategy of developing legal services for clients across all key practice areas as well as recognising and nurturing talent from within the business.

Louise Norris is promoted from Associate to Senior Associate and Leanne and Brian from Senior Solicitors to Associates, all taking effect from 1 October 2018.

"We are delighted they are developing their careers with Lindsays and are sure they will continue to make a strong contribution to the firm."

Alasdair Cummings, Managing Partner



Photo [L-R]: Leanne Gordon (Rural Services), Brian Pollock (Dispute Resolution and Litigation), Louise Norris (Commercial Property)

A warm welcome to our new colleagues



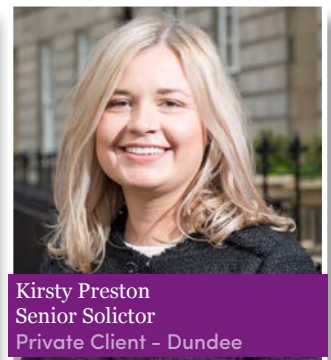
Ian Mitchell - Partner
Corporate and Commercial
Glasgow



Alison Broomhall - Solicitor
Commercial Property
Dundee



David Milne - Business
Development Manager
Marketing - Edinburgh



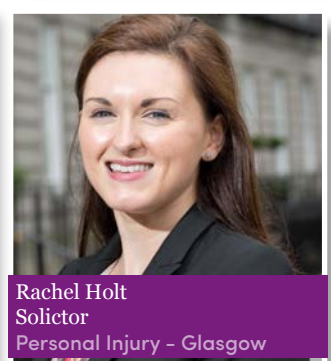
Kirsty Preston
Senior Solicitor
Private Client - Dundee



Carys Hotson
Paralegal
Private Client - Edinburgh



Jason Terras
Property Manager
Estate Agency - Dundee



Rachel Holt
Solicitor
Personal Injury - Glasgow

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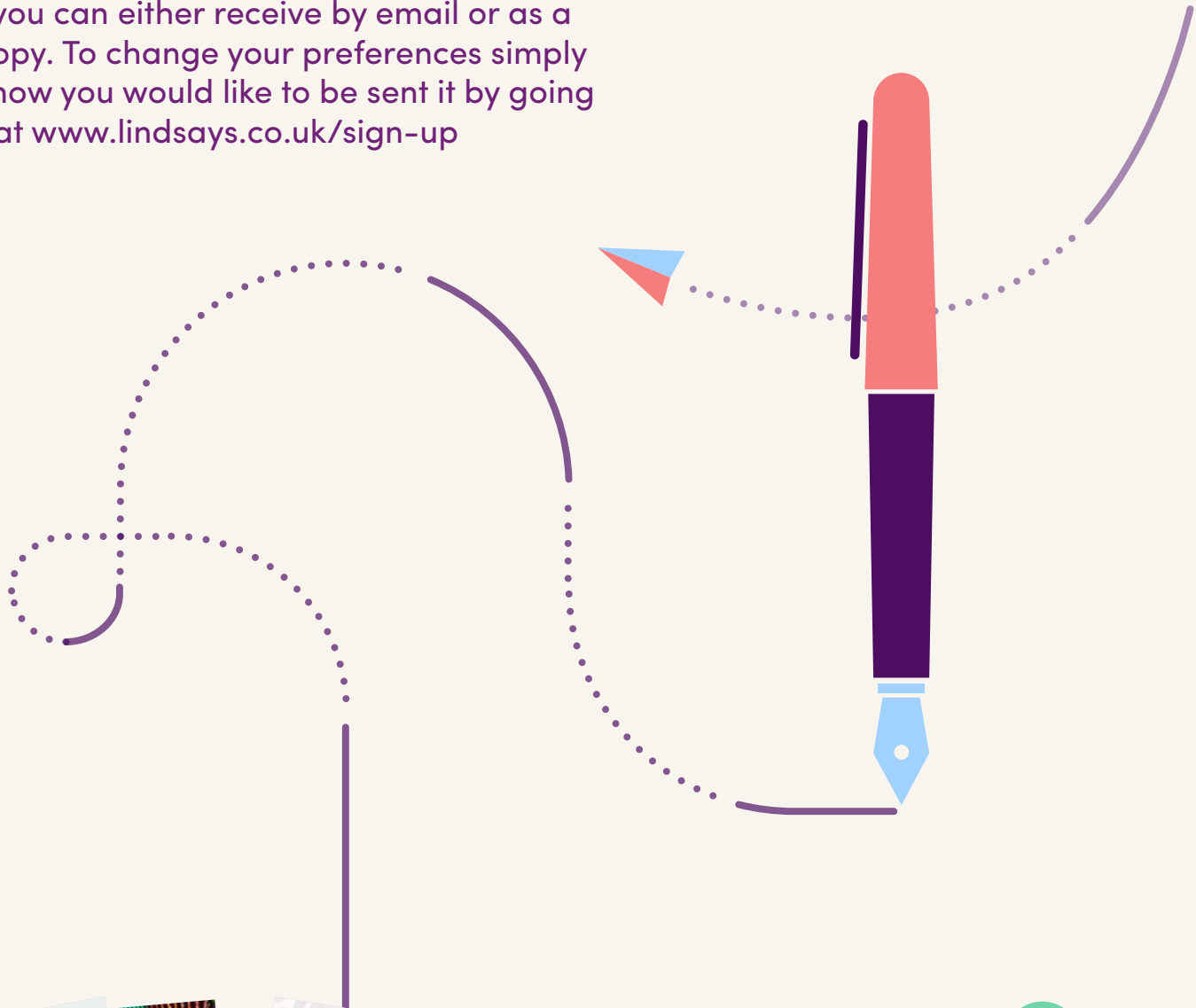
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Future issues of *lindsays life*

We produce two issues of *lindsays life* each year which you can either receive by email or as a hard copy. To change your preferences simply tell us how you would like to be sent it by going online at www.lindsays.co.uk/sign-up



Previous issues of *lindsays life* can also be found at www.lindsays.co.uk/newsandinsights/life



lindsays offices

Edinburgh

Caledonian Exchange
19A Canning Street
Edinburgh EH3 8HE

T: 0131 229 1212

F: 0131 229 5611

E: edinburgh@lindsays.co.uk

Dundee

Seabraes House
18 Greenmarket
Dundee DD1 4QB

T: 01382 224112

F: 01382 200109

E: dundee@lindsays.co.uk

Glasgow

100 Queen Street
Glasgow
G1 3DN

T: 0141 221 6551

F: 0141 222 2707

E: glasgow@lindsays.co.uk

Dundee (property)

21 Crichton Street
Dundee
DD1 3AR

T: 01382 802050

F: 01382 868109

E: dundeeproperty@lindsays.co.uk

