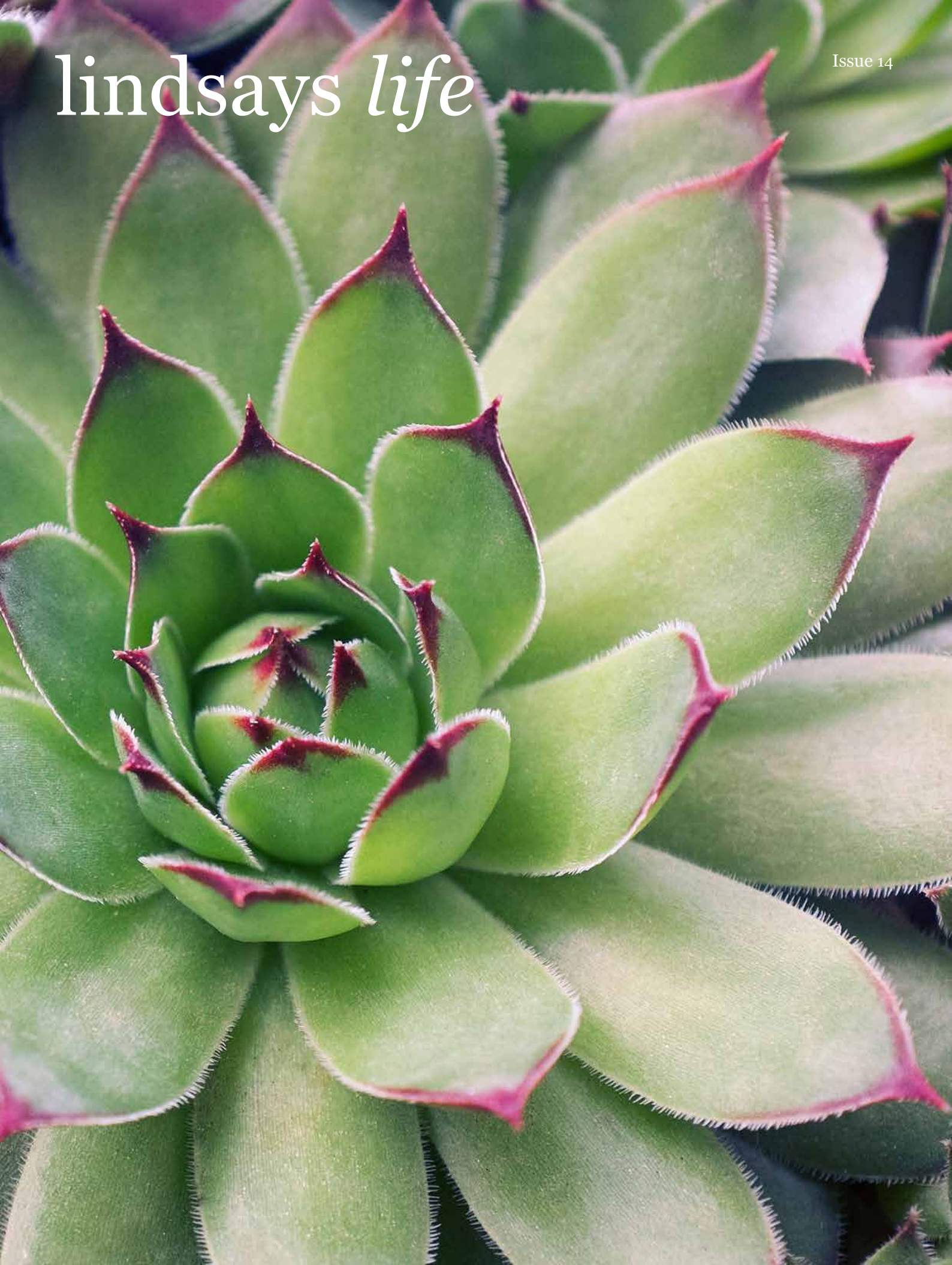
lindsays *life*

Issue 14



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the *life* of this magazine

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Welcome to our first lindsays *life* of 2018

As this issue reaches you, the Scottish team are completing their preparations for the Gold Coast Commonwealth Games in April. Among them is athlete Eilish McColgan, who is sponsored by Lindsays and describes her hopes for the Scottish team, on pages 14-15.

The Commonwealth Games is a four-yearly reminder that sometimes the different parts of the UK do their own thing. That's a recurrent theme in this issue of lindsays *life*.

For example, with divorce settlements, the Scottish system is different to that south of the border, and can lead to surprises for those who've based their expectations on divorce stories in the UK press. Page 13 tells you more.

And, as we explain on pages 6 and 7, Scotland's inheritance rules mean that careful planning is necessary for anyone who wants step-children or a cohabitee to inherit some of their estate.

Another area of difference is rented property. Scotland has new tenancy rules in place, so don't make the mistake of using an old tenancy agreement, or an English one. You can read more on page 12.

On page 11, we highlight another unique Scottish device: the 'caveat', an excellent risk management tool for small businesses and sole traders.

Meanwhile, in many other areas of law, the rules are consistent across the UK. A good example is the new data protection law, the GDPR, which comes into force in May. Our checklist on page 16 will help you prepare.

On the subject of change, we welcome our new colleagues from Aitken Nairn W.S., who joined us in January.

We hope this issue is helpful to you, your family or your business.

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Let us continue sending you lindsays *life*

We will not be able to send you our next issue of lindsays *life* if you don't tell us that you would like to continue receiving it from us.

New data protection rules come into effect in May 2018 and you will need to opt in to receive communications from us after that date.

If you have not already done so, to continue receiving lindsays *life*, please sign up online (www.lindsays.co.uk/sign-up), or complete the form on the back of this issue's cover letter.

We look forward to continuing to support you, your family or your business in future issues.

Contents

A kind gift may carry a hefty *price tag*

The Bank of Mum and Dad (and other kind relatives) is busy these days. But beware the inheritance tax implications of supporting the younger generation

The average first-time buyer deposit in the UK was almost £32,899 in 2017. No wonder then that the Bank of Mum and Dad (or Grandma and Grandpa) is so often persuaded to help.

Among the issues to consider when helping children (or grandchildren) buy their first home are the inheritance tax (IHT) consequences of gifting this money. And it's not just gifts for buying a home that have tax implications, it's many other gifts too.

Gifts between spouses or civil partners are free from IHT. But gifts to other relatives or friends can be counted in your estate for IHT purposes if you die within seven years of making them.

So, if you stumped up for a deposit; kindly bought your family a surprise holiday; paid for your son's new boiler; or plan to reward a grand-daughter with a nearly-new Fiat 500 for passing her exams, this will need to be included in your IHT planning. Each of these gifts is potentially liable to inheritance tax, or could take your estate over the IHT threshold.

You can, however, make use of allowances. These include gifts:

- of up to £3,000 per person per tax year
- up to £250 per recipient on any number of occasions (to cover birthday, Christmas presents etc)
- up to £5,000 from each parent to a child in anticipation of that child's marriage or civil partnership (and lesser amounts from other relatives)
- made as part of 'normal expenditure out of income'.

This means that, in practice, the Bank of Generous Relations may well be able to help the younger generation to buy homes, cars, boats or whatever else they need, without jeopardising any IHT arrangements. But this needs careful planning well in advance, and an understanding of the small print around these arrangements.

"Gifts between spouses or civil partners are free from IHT. But gifts to other relatives or friends can be counted in your estate for IHT purposes if you die within seven years of making them."

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5 things not to *forget* when you move

1

We've moved

Most of us remember to tell our utility providers when we move, but forget a host of other contacts, especially ones we deal with online or rarely.

Most commonly forgotten are pension and insurance providers, National Insurance, HMRC, banks, employers, schools, doctors and other parts of the NHS, and any clubs you belong to.

2

Don't pay for things you no longer need

If you're moving away, you won't want to pay for old parking permits, gym membership, and the like.

Check cancellation terms and stop direct debits.

3

Be smart about smart appliances

If your new home has web-based security systems or app-controlled smart products, ask the previous owners to remove apps and log-ins. You don't want their phones to control your central heating!

If you're the seller of a smart home, be sure to log out when you leave.

4

Don't fill someone else's fridge

The first time you do an online supermarket shop or Amazon order in your new home, change your default address. Otherwise, you may gift your buyers your weekly shop, a new pair of trainers, or a case of wine.

5

Change the locks

The sellers may be 100% trustworthy, but who else may have keys to your new home? A dog walker, gardener, cleaner, neighbour, or sundry relatives?

Consider starting afresh with new locks.

If you'd like other practical tips on buying, selling or moving, our Residential Property team would be happy to help.

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Rate of rural change is enough to make your *head spin*

Anyone who says things happen slowly in the countryside should think again. Scotland's farmers and landowners must deal with a dizzying pace of regulatory change

The theme of this year's Oxford Farming Conference was 'Embracing Change'. Speakers – including Secretary of State for Defra (Department for Environment, Food and Rural Affairs), Michael Gove – warned farmers of the dangers of getting left behind if they don't move with the times.

Such talk gives the impression that change is a choice. In many respects, it is. But farmers, landowners and agricultural tenants in Scotland also face an onslaught of regulatory change that has very little element of choice about it.

Much of this change stems from the Land Reform (Scotland) Act 2016. It includes the new Modern Limited Duration Tenancy (MLDT), in force since November 2017; and the introduction of voluntary registration and Keeper Induced Registration.

We also have an accelerating process of partnership lease terminations on farms; a new code of practice for Scotland's tenant farmers; and knotty issues such as the transfer of Basic Payment Entitlement (BPE) when new tenancy agreements are made. To urban dwellers, these may be nothing more than technical jargon; for many in the countryside, they are titanic issues.

"It's a huge workload and breaches can bring serious financial consequences."

On top of that, we have uncertainty over subsidies when the UK leaves the EU. Though Michael Gove reassured the Oxford Farming Conference that farm payments would continue for five years after 2019, these are still times of insecurity in rural Scotland.

As well as absorbing and planning for regulatory changes, farmers and landowners have the ongoing task of meeting the requirements of the Basic Payments Scheme and cross compliance. It's a huge workload, and breaches can bring serious financial consequences.

If you are unsure about any of these new regulatory requirements – whether it's a tenancy issue, a land registration issue, a compliance issue, or any other, it's better to seek advice than try to muddle through.

After all, mistakes in the countryside can have consequences not just for the next year or two, but for generations to come.

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Looking forward to taking your next *annual leave?*

Then you may have employment law to thank. The same applies if you have received maternity pay, paternity leave, or work flexible hours

'Bonfires of regulation', 'slashing red tape', 'health and safety gone mad' – the language used around legislation routinely suggests it's a bad thing.

But without straying into politics, there's an alternative view that legislation makes progress possible. This is especially true in employment law, where regulation has transformed society.

Equal pay, disability rights, paid annual leave, parental leave for mothers and fathers, flexible working, National Minimum Wage – these are all aspects of working life that we (mostly) take for granted today. Yet these rights are all relatively new.

Even maternity leave was only introduced in 1975 (in the Employment Protection Act). No one in the UK would think today that maternity leave was unusual, yet the mothers of many readers (or readers themselves) were not entitled to it.

Other transformations of the 1970s included the Equal Pay Act 1970 and the Sex Discrimination Act 1975. Even if the national conversation in 2018 suggests we're not 100% there on equal pay and equal treatment for women (for example, in TV, film and sport), these Acts helped to fundamentally reshape the way people think.

The 1990s saw us gain a statutory entitlement to paid annual leave, and since 2000, societal change has stemmed from the introduction of statutory paternity pay and the right for employees to ask for flexible working.

All of this creates new challenges for employers, of course, and the fast-changing nature of employment law makes it really hard to keep up. But overall the gains to society and families have been strong. If your partner, parents, children or friends can go to work knowing they have rights to equal treatment regardless of their gender, or if your family life has been improved by holiday pay, flexible working or parental leave, then red tape has been good to you.

"Equal pay, disability rights, paid annual leave, parental leave and flexible working - these are all aspects of working life we take for granted. Yet they are all relatively new."

And if you're an employer struggling to keep up with employment law changes and requirements, there's always practical help and advice available.

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Blended doesn't always mean smooth

The legal arrangements for modern families can involve surprising twists and turns, both during people's lifetimes and afterwards. If you want step-children, cohabitees or others to inherit, you need to plan ahead

Modern family life is fluid. Of the 600,000-plus households in Scotland with dependent children, over 52,000 involve step-families.

Even the most harmonious of 'blended' families can be subject to legal complications or surprises, often around inheritance. Unfortunately, many families do not discover this until after someone has died.

Spouses and children can exercise certain rights if someone dies. But others, such as cohabiting partners or step-children, have no automatic rights to inherit. Even when parents view biological and step-children as having exactly the same status, their treatment will be different under the laws of inheritance in Scotland.

As a result, step-children could be close to their step-parents for decades, refer to them as their mother or father, perhaps run their business or look after them, but have no rights to an inheritance if the step-parent dies intestate.

Also vulnerable to shocks are the 237,000 or so cohabiting couples in Scotland who have no automatic rights to inherit any of their partner's estate (see article on page 10).

"Step-children could be close to their step-parents for decades... but not be entitled to an inheritance if the step-parent dies intestate."

The single best way to avoid these situations is to make a Will. This doesn't provide complete flexibility over who receives what (see box on legal rights), but it does give more control than leaving things to the law of intestacy – a law that certainly wasn't crafted for the circumstances of many modern families.

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What are *'legal rights'*,

Many great novels have plotlines around children being disinherited – usually because they fall in love with the wrong person or lifestyle. But if you're a novelist (or enraged parent) in Scotland, this option may not be available.

Legal rights in Scotland mean that children have an automatic right to a share of your estate if they have been excluded from your Will or left only a small legacy. The rights apply to 'moveable' property, which includes bank accounts, investments, interests in businesses and partnership property (but not your own house, land or buildings).

In many families, the children will waive their legal rights.

Spouse and children's

Spouse and children survive

Spouse entitled to 1/3 of moveable property

Children entitled to 1/3 between them

when it comes to *families*

and who has them?

But if they claim them, the impacts on relationships, tax and business succession can be difficult, particularly in blended families.

An example would be someone leaving assets or shares in a business to stepchildren rather than children. Even if the children had not seen the parents for decades, they would be able to claim their legal rights. If assets had to be sold to finance the 'legal rights' claim, this could jeopardise the future of the business.

Legal rights are also available to spouses and civil partners who have been excluded from the Will though this is far less common than the exclusion of children.

Though legal rights are absolute and automatic, it may be possible to reduce any shocks around complicated families and the exercise of these rights. It just needs careful planning.

"Legal rights in Scotland mean that children have an automatic right to a share of your estate if they have been excluded from your Will or left only a small legacy."

legal rights

Spouse survives, no children

Spouse entitled to 1/2 of moveable property

Children survive, no spouse

Children entitled to 1/2 between them of moveable property

Funerals and *modern families*

A subject of tension in blended families can be the choice of funeral arrangements and who has control of them. Ideally, the deceased will have specified this in a Will, but what if they haven't?

The children may want ashes scattered in a place they loved as a family, while a new partner may have happy memories of a different location. Or one part of the family may want a religious funeral, and others not.

Following legislation in 2016, people can specify who they want to organise their funeral. This can be done in a Will or an 'Arrangements on Death Declaration'.

If there is no Will or Declaration and agreement cannot be reached, there's a specified order of who can take charge of the funeral arrangements. This starts with a spouse or civil partner; then a partner they have been living with for at least six months; then a child; down through various relatives to a friend.

If you have a strong preference for who organises your funeral, and they don't lead that list, then it may be advisable to say so in a Will or Arrangements on Death Declaration. This can also help to avoid disputes between different parts of your family.

When bad luck *strikes twice*

If you're unfortunate enough to have a personal injury claim ongoing at the same time as a divorce, the former could affect the financial settlement

When a couple divorce in Scotland, their lawyers work out how their 'matrimonial property' should be divided up. The matrimonial pot includes the assets they acquired during their marriage up until the date they separated (the 'relevant date').

Gifts or inheritances one spouse received from someone else during the marriage are excluded, as is property either spouse owned before they married.

The general principle is straightforward, but real life is complicated.

A good example of the difficulties of calculating the value of matrimonial property on the relevant date is personal injury (PI) claims. If you have a claim ongoing when you separate, will that claim be included in the matrimonial pot?

"Some types of personal injury claim will be included in a matrimonial pot when the claim is ongoing, but others won't be."

It depends on the nature of the claim. PI claims can take various forms such as loss of earnings, compensation for pain and suffering, or care costs. Some types of claim will be included in a matrimonial pot when the claim is ongoing, but others won't be.

In addition, the level of damages awarded in PI cases is variable and uncertain. So even where it is certain the ongoing claim should be included in the matrimonial pot, it is extremely difficult to put a value on that claim when calculating the financial settlement.

There are no straightforward rules or answers here. The important point to take away is that if you are unlucky enough to have a PI case and a divorce ongoing at the same time, tell your lawyer. The claim and the divorce may be very separate elements in your own life, but the PI case could have implications for the divorce settlement.

It's not a situation anyone wants to find themselves in, but it does happen, and if it does, your divorce lawyer will need to know.

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When does coffee and a chat count as *lobbying?*

Charities may now have to register their communications with politicians and civil servants, or face large fines

From 12 March 2018, people who lobby Scottish politicians, their advisers or senior civil servants may need to record their work in Scotland's new Lobbying Register. Even a chance meeting in the street or a chat at an event may need to be registered.

However, the numerous exemptions and exclusions mean that some people currently concerned about how the new law affects them are worrying unnecessarily.

Our brief guide to the new rules should help you decide whether they will impact you (or a charity you work with), and whether you need to find out more or take advice.

The new rules apply to 'regulated lobbying' in Scotland, which covers communication between any individual or organisation and MSPs, Scottish Government ministers, their special advisers and the Scottish Government's Permanent Secretary.

Only face-to-face communications (including video conferences) are affected and only communications intended to inform or influence Government or parliamentary decisions on behalf of your organisation.

A key point to note is that the legislation applies only to those who receive payment from a charity or other organisation. If you're an unpaid trustee, board or committee member, or volunteer, you will not need to register your conversations.

"As a trustee, you personally may be unaffected but you should check your charity is geared up to deal with this."

However, the legislation does apply to salaried staff and paid consultants. As a trustee, you personally may be unaffected but you should check your charity is geared up to deal with this. Penalties for failing to register properly run up to £1,000, and for failing to comply with an investigation can be up to £5,000.

If you do need to register your communications, the Lobbying Register is online, free to use and accessible to all. If you would like more detailed and tailored advice about the legislation, the Lobbying Register, and how it applies to you, we would be very happy to help.

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‘We’re as good as *married*’

Not really. The rights of cohabiting couples are not the same as those of married couples or civil partners, especially when it comes to inheritance

Earlier in this issue, we wrote about the complications facing modern families and couples when it comes to inheritance. Cohabitees in particular can all too easily face shocks and even financial difficulties if one partner dies without a Will.

Unlike spouses and civil partners, cohabitees do not have automatic rights to inherit.

Although it is possible for a surviving partner to make a claim against the estate when there is no Will, they only have six months to do so. In addition, there are limits to what the courts can award, and there is no certainty of receiving anything.

The greatest issue for most couples is what happens to their home, and this will depend on what’s in the title deeds to the property. Let’s take the hypothetical example of Kirsty and Archie in three different scenarios below; they cohabit and haven't made Wills.

There are practical ways to avoid such situations. The first is to make a Will, protecting each partner’s future prospects should the other die. This will also save on legal costs and avoid uncertainty around cohabitee’s claims. The second is to recognise that disasters and disputes can happen in life too. You can make a cohabitees’ agreement covering different eventualities, including what happens if you split up.

These conversations are never going to be comfortable, but the discomfort could turn out to be far greater, and far more expensive, if you don’t have them.

“Although it is possible for a surviving partner to make a claim against the estate when there is no Will, they only have six months to do so, there are limits to what the courts can award and no certainty of receiving anything.”

Scenario 1

Kirsty and Archie each own half of the property but there is no survivorship destination. If Kirsty dies, her share will go to her family (according to the rules of intestacy). Archie has to make a cohabitee’s claim, buy out her share, or persuade her family he should carry on living there. Again, it’s a precarious situation.

Scenario 2

The title deeds say the house is owned by Kirsty and Archie, and ‘the survivor of them’. This is known as a survivorship destination. If one of them dies, the survivor inherits the other’s share.

Scenario 3

Archie owns the property entirely and dies before Kirsty. This leaves her in a highly precarious position because she doesn’t own any share of the house. Archie can avoid this situation by leaving it to her in a Will.

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Why every business should consider *caveats*

Golf, penicillin, TV – to the list of the great Scottish inventions, you should add the caveat, an excellent early warning system for businesses and individuals

If someone obtained a court order against you or your business, you would hear about it in advance, surely? Not necessarily.

Someone could advertise a petition to bankrupt you, wind-up your company or obtain an interim order preventing you from selling a product or carrying out work you're contracted to do and the first you would hear about it is when it has already gone to court.

It's a frightening thought, not just because of the shock and inconvenience, but for companies the mere publication of a winding up petition could have long-running financial and reputational consequences.

And it's not just businesses that are at risk here; the same danger applies to individuals, trusts, charities and other organisations.

The good news in Scotland is that we have a simple and cost-effective early warning system that can prevent such situations. It's called a caveat, and it's not as well-known as it deserves to be.

A caveat is a document that your solicitor can 'lodge' with the Court of Session and/or any of the Sheriff Courts throughout Scotland. It means the relevant court must tell your solicitor if a third party has sought to obtain a court order against you or your business.

"A caveat buys you time and opens the way to avoid things going to court."

If the caveat is triggered, you or your solicitor can take steps to resolve the situation – by paying a bill, challenging the order being sought or settling the dispute – before the order is granted. It buys you time and provides an opportunity to avoid costly court proceedings.

Many businesses have caveats in place throughout Scotland as a matter of course, in particular, at their local Sheriff Court where they have a registered office or place of business. A caveat lasts a year and can be renewed annually.

Businesses often look across borders at the tools or advantages their competitors enjoy. The caveat is one of these sources of envy – a simple device that can be invaluable for protecting a business from unforeseen court actions and their fallout.

We're lucky to have it in our risk management toolkit in Scotland; it's worth looking into.

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SPRTs: *beware new pitfalls for landlords*

Some aspects of the new law on Private Residential Tenancies give landlords greater stability, but there are also new ways to slip up. Don't get caught out

If you plan to let or rent residential property in Scotland this year, be aware that major changes in private renting law took effect in December 2017. A lot of what you knew before, or legal documents that you used previously, may no longer be valid.

Where once we had assured and short assured tenancies, we now have the Scottish Private Residential Tenancy, or SPRT. The headline change with SPRTs is that these tenancies have no end date.

Instead, a tenant gives written notice, or the landlord gives notice using one of 18 grounds for eviction. These range from the landlord intending to sell the property (at market value, within 3 months of the tenant leaving) to rent arrears or to the property being required for religious purposes.

In the run-up to the new legislation coming into force, some commentary said the changes would make letting less attractive for landlords. In reality, both landlords and tenants have gained new protections under the new law, and we have not yet seen any mass exit by landlords.

Even so, as a landlord, it is essential to understand the new system properly, because as well as new safeguards, there are new pitfalls.

For example, with SPRTs, certain statutory terms must be in the written agreement you give the tenant. Failure to provide this could lead to the Tribunal that deals with SPRT-related cases (the 'First-tier Tribunal for Scotland Housing and Property Chamber') imposing a financial penalty.

"The Scottish Government's model SPRTs agreement includes all the statutory terms but isn't suitable for every landlord as it doesn't cater for a host of issues."

Landlords can use the Scottish Government's model SPRT agreement, where all the statutory terms are included. However, this isn't suitable for every landlord, as it doesn't cater for a variety of issues landlords may wish to be covered in their leases.

Anyone who needs to tailor the model agreement to suit their specific property, or draws up their own version, should take great care over which terms they keep in and take out, and take advice where they are uncertain. They also need to be aware of which set of Notes to issue.

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Divorce: *don't believe everything you read*

Media stories about divorce cases and settlements may lead you up the garden path if you're going through your own divorce, because the rules on divorce in Scotland are different to the English ones

There are significant differences between the systems of family law in Scotland and England. This means that whether a couple divorces north or south of the border can affect the financial outcomes for each spouse, and the time it takes to divorce.

When it comes to choosing which jurisdiction to divorce in, not all couples have a choice. There are rules about which courts deal with the case, and usually it will be those of the country where the spouses last lived together.

However, in some situations – for example, if the couple lived between Scotland and England – it may be possible for the divorce to happen in either jurisdiction.

"If the couple lived between Scotland and England - it may be possible for the divorce to happen in either jurisdiction."

So how do the two systems differ?

Firstly, in Scotland, a couple can go through a 'no fault' divorce after one year of separation, if both spouses agree (if they don't, it's two years). Over nine out of ten divorces are granted on these grounds.

In England, couples have to live apart for two years (five years if they don't agree to divorce); or else one spouse has to show the marriage has broken down irretrievably, because of the other's adultery, unreasonable behaviour or desertion.

With 'fault' more likely to be attributed in an English divorce, the process can often be more accusatory and contentious.

Secondly, there is timing. Financial arrangements in Scotland are resolved before the divorce. In contrast, the financial settlement may follow the grant of an English divorce.

Therefore, media stories of spouses returning to court post-divorce to renegotiate a financial settlement wouldn't usually happen in Scotland.

Thirdly, in Scotland the assets to be divided on divorce involve only 'matrimonial assets' – such as those acquired during the marriage, before the separation, and not by inheritance or gift. So anything which was pre-owned or inherited may be excluded from the pot.

In England, however, the couple's assets are all considered to be relevant to the overall negotiations and settlement.

Other differences between England and Scotland also include the fact that maintenance awards are more likely to be made in England and that pre-nuptial agreements are generally enforceable in Scotland without question, whereas they are routinely scrutinised by English courts and often not enforced.

Most of us don't have a choice where we divorce, but if you think you may do, it's worthwhile taking advice on the consequences of heading north or south.

"Financial arrangements in Scotland are resolved before the divorce. In contrast, the financial settlement may follow the grant of an English divorce."

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Celebrating *our support* for Scottish

From grassroots events held throughout the National Cross Country Season to Team Scotland heading down under for the 2018 Commonwealth Games, local athletics clubs are the backbone of the sport

Eilish McColgan

"Cross country is where everyone starts. My first ever race in athletics was in cross country in Primary 6 or 7.

"Even the field eventers, the throwers – for many of them too, it's their first step into the sport. You try cross country, then you get involved in a club, and you find out there's a whole range of events you can try. It usually goes from there."

That's Eilish McColgan speaking, who's come (or should we say, run) a long way since first lining up as a primary school pupil on a windswept cross country course in the east of Scotland. She's now due to represent Team Scotland at the 2018 Commonwealth Games, to be held on Australia's Gold Coast.

She continues, "As a junior, cross country was so important for building my leg strength and endurance. And as a team, we used to love travelling with our club to different events. That was what we looked forward to every weekend – going to the cross-country."

Eilish is not the only athlete in Team Scotland who braved rain, hail and snow on Scotland's cross country circuit. "Many of the people in Team Scotland I've known since I was 12, 13 years old. We used to travel all around Scotland competing against each other as kids.

"It's quite unusual that so many of us have got this far together, and that makes the Commonwealth Games special – we've seen what all of us have gone through, the injuries, the issues we've come back from."

The enthusiasm with which athletes like Eilish talk about cross country is just one reason why Lindsays sponsors the Scottish Cross Country Season – it's an excellent stepping stone for young runners, helping to create strong, resilient athletes, ready to take on the world.

But cross country in Scotland is not just about elite athletes. At February's National XC Championships, at Callendar Park in Falkirk, over 2,000 people entered, with numbers rising steadily each year.

Laura Muir winning Lindsays Scottish Short Course XC title which she has won four times in the last five years

"As a junior, cross country was so important for building my leg strength and endurance. And as a team, we used to love travelling with our club to different events."

According to Ian Beattie, Chief Operating Officer at Lindsays and Chair of Scottish Athletics, "Eilish has talked about how important her club was to her, and I want to emphasise that. Most of the elite athletes in Scotland are members of athletics clubs, and these clubs are the backbone of the sport – getting people into athletics, developing them and supporting them at all ages and levels.

athletes

Ian Beattie (Chief Operating Officer at Lindsays and Chair of Scottish Athletics) completing the Lindsays XC National Championships in Falkirk

"The National Cross Country Championships is a great day for everybody in our clubs. We had people there from the under 13 age group to people in their 80s. It's a completely open event, one of the best days for the sport where everyone in the endurance community – officials as well – gets together and takes part."

Lindsays has sponsored the Scottish Cross Country Season since October 2014, initially for three years and then extended for a further three years.

The Cross Country Championships at Falkirk mark the conclusion of the season, and among recent winners are members of the current Team Scotland, including marathon runner Callum Hawkins and triathlete / 10,000m runner Beth Potter.

And that's part of the magic of the event – that 12-year-olds and 80-year-olds find themselves running at the same meet as internationalists.

Eilish and the rest of the team are now in their final preparations for the Gold Coast Games, heading to Australia to acclimatise to the different running conditions.

With temperatures on the Gold Coast hovering around 27-30 °C this February, compared with 0-3 °C in Scotland, that's quite a climate change, and certainly very different to the frosty endurance events of Eilish's teenage years in cross country.

As part of our work with Scottish athletics, we have a benefits package for members and local clubs that feeds back investment into the clubs network in Scotland. You can read more about the offer on our website.

"Most of the peak athletes in Scotland are members of athletics clubs, and these clubs are the backbone of the sport – getting people into athletics, developing them and supporting them at all ages and levels."

We wish all of Team Scotland a successful Commonwealth Games, and a clutch of personal bests, medals and happy memories. And Scotland's club athletes too, we wish you a great spring and summer of running.

GDPR: *the final countdown*

With the new data protection laws coming into force on 25 May this year, here's a user-friendly checklist for reviewing whether your business or charity is compliant

AUDIT

What data do you hold?

- Ensure your data is accurate
- Check any historic data is deleted

How do you keep data secure?

- Have proportionate resources in place to protect and manage data
- If data needs to be shared make sure it is portable

Do you hold personal or sensitive personal data?

- Be aware that there are stricter requirements for managing both types of data

Do you hold children's personal data?

- Verify the age of children under sixteen
- Get consent from parents/ guardians if required

ACT

What is your legal basis for holding and processing data?

- Ensure your privacy policy is clear about your lawful basis and how you use data

If you rely on consent, how do you obtain this from individuals?

- Demonstrate you have consent from an individual to use their data
- Refresh existing consents as required to ensure they are adequate
- Make it easy for individuals to withdraw their consent

How do you use the data you hold?

- Use data for the same purpose for which it was originally collected

Do you share the data with third parties?

- Have satisfactory contracts with data processors
- Consider whether you share data outside the EU

Are your internal policies and procedures clear?

- If necessary, appoint a Data Protection Officer or allocate responsibility
- Give your employees sufficient training on data protection compliance

Do you have the right procedures in place to identify, report and investigate a personal data breach?

- Properly identify, record and document data breaches

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A warm *welcome* to our new colleagues...

David Dunsire - Consultant
Corporate, Edinburgh

Anna McLaggan - Associate
Rural Services, Edinburgh

Audrey Lafferty - Property Manager
Estate Agency, Dundee

Bruce Battersby - Senior Solicitor
Private Client, Glasgow

Jennifer Love – Senior Solicitor, Dispute Resolution and Litigation, Edinburgh

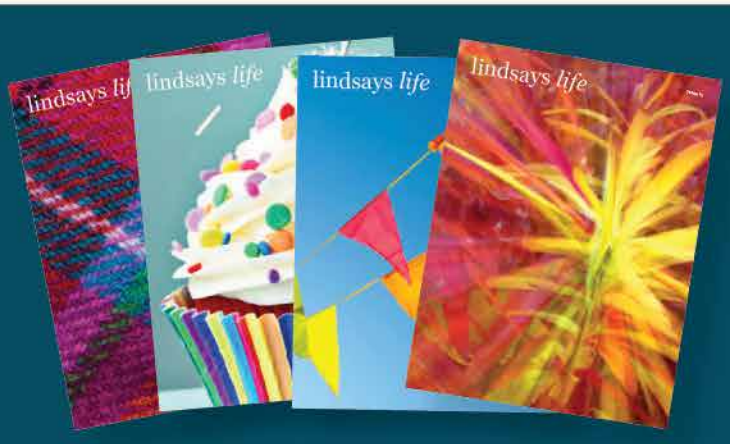
Adam Gardiner - Solicitor
Dispute Resolution and Litigation, Edinburgh

Our *merger* with Aitken Nairn WS

We extended a warm welcome to our two new partners, Kenneth Stanley and Morag Yellowlees, and their 11 staff who join us in our offices at Caledonian Exchange following the merger of Lindsays and Aitken Nairn WS in January 2018.

This merger brings the number of partners at Lindsays to 44 and further strengthens our offering particularly in the services we provide to individuals and families and in residential property matters.

Alasdair Cummings, our Managing Partner, said: *"We are delighted to welcome our new colleagues and look forward to working with them to continue to deliver excellent service to all of our clients."*



Future issues of lindsays *life*

With new rules on data protection and consent requirements to receive communications taking effect in May (2018), you will need to 'opt in' to receive future issues of our magazine.

If you have not already done so, to continue receiving lindsays *life*, simply sign up online (www.lindsays.co.uk/sign-up) or complete the form on the back of this issue's cover letter.

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