

# lindsays *life*

Issue 16





## Our Services

For you and your family

Buying and Selling your Home  
Child Matters  
Cohabitation and Prenuptial Agreements  
Divorce and Separation  
Housing and Letting  
Personal Injury Claims  
Powers of Attorney and Guardianships  
Resolving Family Disputes  
Rural Services  
Trusts  
Wills and Executries

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Agriculture and Farming  
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Corporate and Commercial  
Employment Law for Businesses  
Landed Estates  
Managing a Family Business  
Renewable Energy  
Restructuring and Insolvency  
Technology and IT



the *life* of this magazine

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Welcome to our sixteenth *lindsays life*

This issue covers a wide range of topics about different stages of life: from marriage and civil partnerships to having children to moving into long-term care.

There's guidance on what you need to know when buying property in the countryside; advice if you have children heading off on a post-exam holiday or gap year; and tips on finding a great estate agent. We also debunk some myths about prenuptial agreements and divorce settlements.

If you have a small business, there are must-read articles on how to navigate the new world of work, and how to recover unpaid debts. And there's some news on charity regulation if you're involved with the third sector.

Clearly, the subject-matter is broad, but there's a strong theme linking all the articles: how to look after yourself, your family and your business, and get the best out of life.

Wellbeing means different things to different people: for some, it's escaping to the country, or having a place in the sun; for some, it's keeping busy with their business or a good cause.

For most of us, it's also making family life run as smoothly as possible. Even the more difficult parts of the journey, such as divorce, can be made easier if we have good advice.

So, that's our focus in this issue of *lindsays life*: the pursuit of wellbeing, and some practical, real-life guidance that could help you and your loved ones look after yourselves. And we have some assistance from Olympic athlete Eilish McColgan who describes her own plans for keeping herself in top form this year.

We very much hope this issue of *lindsays life* helps you plan for you and your loved ones in 2019.



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02 Welcome to the *new world* of work



03 What do *Prince Harry* and *Kim Kardashian* have in common?



04-05 Divorce: does a financial settlement reflect whose *'fault'* it is? / How to move beyond the *'blame game'*



06 Do *take care* with long-term care



07 Planning an escape to the *country*?



08-09 Where *Lindsays* is *today*



10 *Charity law* needs to be in perfect working order



11 Your place in the sun needs *a place in a Will*



12 *Don't lose out* on what you're owed



13 Are your *kids heading abroad* this summer?



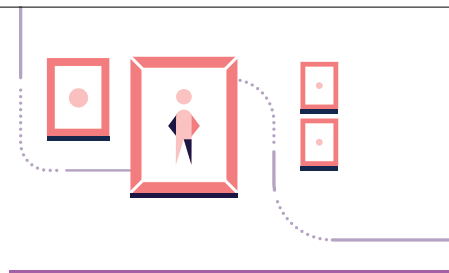
14 *For richer, for poorer?*



15 How to tell the difference between an *agent* and a *great agent*



16 *Life lessons* from the track



16 A warm welcome to our *new colleagues*



17 Future issues of *lindsays life*



# Welcome to the *new world* of work

The government has published its 'Good Work Plan', which proposes a series of changes to employment law. What does this mean for employers?

The world of work has changed radically in the past decade, transformed by technology and societal trends. Just think about it – no one was talking about the 'gig economy' ten years ago; now it's part of everyday conversation.

To reflect this changing world, the government recently published its Good Work Plan, which, drawing on the 2017 Taylor Review, aims to balance flexibility for employers with fairness for employees. Among the new proposals are:

- from April 2020, all workers (not just employees) will have a right to a written statement of terms from their first day of employment (currently, it's after two months)
- additional information will be needed in the written statement, including how long the job is expected to last, details of all remuneration due (not just pay), the specific days and times workers are expected to work and other rights to paid leave, such as maternity leave

- from April 2019, the maximum penalty for 'aggravated' breaches of employment law will quadruple to £20,000, and with effect from December last year, employers who do not pay tribunal awards face being 'named and shamed'.

The government also intends to legislate on issues such as how holiday pay is calculated, and to give workers the right to ask for 'stable and predictable' contracts.

The specific changes set out in the Good Work Plan matter greatly to employers and staff alike, but it's also worth thinking about the bigger direction of travel indicated by the plan: how to increase staff engagement, productivity and skills.

Woven into the suggested regulatory changes is the belief that greater transparency and clarity over contracts, obligations and rights will help both employers and employees get the best from their work.

The growing discussions over employees' right to disconnect, which we covered in the last issue of *lindsays life*, are also part of this drive to improve engagement and wellbeing at work.

*"It's also worth thinking about the bigger direction of travel indicated by the plan: how to increase staff engagement, productivity and skills."*

There's plenty more regulation likely to follow from the Good Work Plan, and we will update employers on it. In the meantime, keep in mind the general point that's driving all of this: good work is usually good for business.

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# What do *Prince Harry* and *Kim Kardashian* have in common?

They're both due to add to their families in 2019. Like parents everywhere, they have some planning to do

The patter of tiny feet is usually accompanied by advice on anything from sleep to the choice of school. But if you're a parent-to-be (or already a parent) you'd also be well advised to do some simple legal planning.

## Time off work

This may not be a big talking point among the Kardashians or the House of Windsor but for parents in paid employment, the imminent arrival of a child means finding out your rights in terms of time off for antenatal care, parental leave, employment terms and flexible working.

Rather than rely on your employer to guide you through this, it's worth checking it yourself. And if you're not sure you're getting all your entitlements, talk to a solicitor.

## Where you live

The expansion of your family is often a signal to move home or buy for the first time together. Depending on whether you're married, civil partners, cohabiting or living separately, and already own property together or individually, there'll need to be different discussions around your finances and whose name the property is held in.

There could be a variety of issues here, ranging from capital gains tax to what happens if you split up or one cohabitee dies, so get professional advice.

## Making a Will

It's an awful situation to ponder, but you need to make sure your child(ren) will be looked after if you die. There is financial provision to think about, but also guardianship. It's a difficult discussion because you may not think family members are able or suitable, and it's a hard thing to ask of friends. But it's an issue you have to take in hand.

*“Although it's a difficult discussion to have you need to make sure you child(ren) will be looked after if you die – both with financial provision and guardianship.”*

## Gifts

If generous relatives are keen to give the child a nestegg, advice about trusts may be useful. These can help with inheritance tax planning, and also ensure the gift is protected for the future.

## And the rest

Over the next few years, you may face issues from contracts with childcare providers to school placement appeals to contact and residence arrangements. In all these cases, professional advice could make a positive difference to your family life.

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# Divorce: does a financial settlement reflect whose *'fault'* it is?

## The law in Scotland prioritises 'fairness' but this may not mean what you think

Relationships break down for many reasons, and many divorces are no one's 'fault'. But sometimes the breakdown can appear quite one-sided, at least to the other partner. The family can be happy, to all intents and purposes, and then out of the blue comes an affair or an announcement the relationship's over.

In such circumstances, the rejected spouse often expects the financial settlement to reflect that turn of events.

To their surprise, they'll find this isn't necessarily so. Scotland's divorce laws are designed to ensure that the value of the matrimonial assets is shared fairly. The starting point is that a 'fair' share is an equal share, whatever the back story.

There are some exceptions to this, such as one partner's 'bad behaviour' causing the matrimonial assets to be reduced significantly – for example, if they have gambled them away or mis-spent them. But in general, the reason for the breakdown is not reflected in the financial arrangements afterwards.

To many spouses, the lack of a punitive element may not seem like 'fair' sharing at all. They didn't ask for the divorce to happen, or for the family's assets to have to be split, so why should they be affected financially?

*"The starting point is that a 'fair' share is an equal share, whatever the back story."*

Though this seems tough, it's the way the law operates. But the key thing to understand is that when the two spouses negotiate the financial settlement, they do have flexibility to come to any arrangement that works for both of them.

This could mean not sharing the assets exactly 50-50 if this enables both to move on more positively. It's up to their

lawyers to find an arrangement that works for them, and try to avoid asking the courts to decide.

Mediation or collaborative law approaches can be very helpful in managing divorce and financial settlements because they reduce the adversarial nature of the process and focus more on solutions. Both partners are more likely to get an outcome that seems more or less fair – emotionally as well as legally.

For more on alternative approaches to divorce and separation, see the article on the opposite page.

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### 'Fault' can affect the *speed* of the divorce process

Although 'fault' does not affect the financial provision, it can speed up the process of getting a divorce.

Under the current system in Scotland, a couple have to live apart for a year or more before they can divorce and both have to agree to it. If one disagrees, they have to live apart for two years or more.

However, if one spouse has committed adultery or can be shown to have behaved unreasonably, there is no need to wait for a year. The other spouse can raise a divorce action immediately and get a quicker break.



# How to move beyond the *'blame game'*

Legal confrontations make great TV viewing, but they rarely produce the best outcomes in real life. For most people, it's better to look at other legal approaches to divorce and family disputes

Most families know in their heads that disputes are best resolved constructively. But traditional legal approaches can add to the conflict, rather than resolve it. That's because going to court is adversarial, at a time when what's really needed is some bridge-building.

This all explains the growing use of alternative dispute resolution (ADR) methods in handling family law issues from divorce to contact with children (and other disputes too). These ADR methods include collaborative law, mediation and arbitration. Each method can work especially well depending on the type of dispute or circumstances.

Collaborative law is increasingly popular in divorce or the breakdown of civil partnerships or other relationships. It involves four-way meetings between the clients and their lawyers, and a shared commitment to avoid litigation.

This can be hard for clients at first, because it means they don't have the 'nuclear option' of going to court if the negotiations get difficult. But, with the help of lawyers trained and experienced in this area, the conversations are likely to remain more focused on solutions and the future than on blame.

*“Collaborative law is an increasingly popular approach to divorce and family disputes – conversations are likely to remain focused on solutions and the future than on blame.”*

One benefit of collaborative law is the recognition that the law doesn't have all the answers. Let's take the example of divorce where one spouse thinks the other behaved badly and feels wronged.

In that situation, the law can provide the way forward on the financial settlement, but it won't resolve the issues around hurt, blame or fault. Nor will it guarantee a constructive relationship between the former spouses who will now be co-parenting.

Collaborative lawyers can look for creative ways to address this – for example, bringing in life coaches or counsellors to discuss the relationship aspects or the emotional issues.

None of this wipes away the past, but it does help people move forward and build their future. That's what family law is about. It doesn't make great drama, but it does make for better family life.

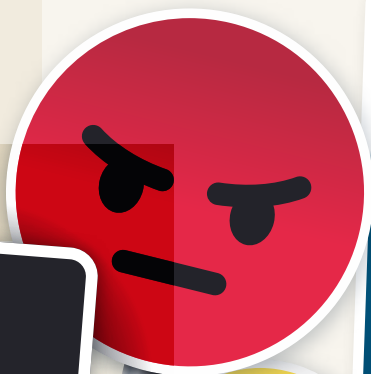
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FAIR



## 'Fault' can affect *residence* and *contact* if there is a dispute

The behaviour of a spouse may also be taken into account in residence and contact disputes. However, bear in mind that:

- there's a presumption in Scotland that children's welfare is generally best served by having both parents involved in their life
- being a 'bad' spouse is not necessarily equated with being a 'bad' parent
- residence and contact disputes are a complex area, and depend on individual circumstances, so there are no hard and fast rules here. There is, however, universal agreement that residence and contact are best decided amicably, if possible, and certainly outside the courts.



# Do *take care* with long-term care

If you or an elderly relative are moving into residential care, taking advice can help prevent surprises over costs or contract terms

The media is awash with stories about how much things cost: weddings, the cost of raising children, going to university. Yet one life-stage can make an even greater dent in your family's finances, but receives much less attention: the cost of residential care in later life.

The average cost of care in the UK was over £32,000 a year in 2017/18 and it is rising by more than the rate of inflation.

We tell you this not to frighten you, but because the cost of care is relatively poorly understood. If you or a relative are approaching this stage of life, it's a good idea to get advice and know the pitfalls with care home costs.

One partial misconception is that local authorities will pay for care. Yes, they do pay when your savings fall below a certain amount, but care home fees are often higher than the maximum amount they will pay. This means there may be a shortfall to fund.

Another pitfall is contract terms. Contracts are often couched in vague or unfamiliar terms, and it may not be clear to people that they face extra charges or price hikes beyond what they budgeted for. Under pressure to find a home, they may accept terms that are disadvantageous or unclear.

*“The average cost of care in the UK was over £32,000 a year in 2017/18.”*

#### What can you do?

Given the costs of care, it's worthwhile taking advice when you or a relative are looking at going into care. A solicitor can look at the contract and tell you if:

- the providers are meeting their own obligations in terms of the Unfair Contract Terms Act and other legislation and codes of practice

- any of the contract terms are excessive, or could expose you to problems or costs in the future
- your local authority has obligations to contribute financially.

Your lawyer can liaise on your behalf with providers or the local authority to address your concerns.

All this is worthwhile because a misunderstood paragraph in a contract could lead to unforeseen costs running into thousands over time. Equally, if you've already been paying top-up costs that weren't made clear, a solicitor can tell you what you can do.

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# Planning an escape to the *country*?

## Buying rural property in Scotland can take first time buyers and urban homeowners into unfamiliar territory – including issues from private water supplies to unadopted roads

If you are buying a house in the country, you may be thinking about the view, how long it will take to get there and where the nearest shops or pubs are. All important points, but you should also focus on some equally important legal details.

Firstly, what are you buying? Many rural properties are still registered in the old Sasine Register and the boundaries shown on the title deed plan may not correspond with the boundaries on the ground. Outdated mapping is not unusual so there may be some toing and froing between solicitors and clients finalising the new plan to be submitted to the Land Register.

Secondly, there is water and sewerage to consider. Around 150,000 people in Scotland live in properties served by a private water supply. As there are legal obligations to be met in terms of water quality and testing, be sure to ask the seller for recent test reports to determine whether the water is likely to be harmful to human health. Your solicitor should request

this as a matter of course if the Home Report discloses that the water is from a private supply. Such tests will confirm whether there is any foreign matter in the water, for example e-coli or lead. Your solicitor will also check that the appropriate legal rights to draw water from the private supply and the infrastructure are in place.

Where wastewater disposal is to a septic tank or possibly straight into a water course you will need a discharge consent from the Scottish Environment Protection

*“Around 150,000 people in Scotland live in properties served by a private water supply, and there are legal obligations to be met in terms of water quality and testing.”*

Agency (SEPA). Again, the necessary legal rights need to be in place to permit the discharge.

In relation to the water supply and wastewater disposal it is essential to know the location of the tanks and pipes. Sellers are often unaware of the location of these which can be an issue when either system fails, especially if access is required over a neighbour's property to repair a fault.

Perhaps the most important issue is access. If you live in a town, the street outside your door is invariably adopted by the council, relieving you of liability for its maintenance. In the countryside this may not be the case and you and your neighbours may have shared responsibility for the upkeep of the road. This responsibility can be onerous and can be the cause of acrimonious disputes.

Other issues to consider include security of tenure issues associated with agricultural and crofting tenancies, the possibility of nearby developments such as housing or wind turbines, and natural heritage designations which may impact on your own development aspirations.

By now you may have been put off buying a place in the country. Don't be. These potential pitfalls may be unsettling for first time buyers or urban homeowners, but for rural property experts they are part of the legal landscape.

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# Where Lindsays is *today*

We've come a long way since 1815. Some things have endured – our determination to be accessible, expert and reliable, for example. But there's plenty that's changed significantly. Our Managing Partner, Alasdair Cummings provides an update on what we're doing for clients and the wider community in 2019

A lot has changed in the Scottish legal scene recently. Well-known firms have merged or been taken over by law firms from over the border, and some famous names have disappeared.

We're glad to say that at Lindsays, we're still here and still independent. Now well into our third century, we're still owned and managed in Scotland, with no intention of expanding southwards or merging with an English firm.

Even so, we're still very much moving with the times, keeping pace with technology and client expectations. For example, our investment in a new document management system is helping us deliver efficient client service and administration.

## Edinburgh, Glasgow and Dundee

There have been other changes over the past couple of years too. At the last count, we had 38 partners and around 250 staff, working from our offices in Edinburgh, Glasgow and Dundee and looking after clients across Scotland and beyond.

As a result of mergers and taking on new staff, we now offer a full service for people and businesses in all three offices. This has been deliberate – we wanted to build our strength in depth across the firm, so that whatever legal issues our clients face and wherever they are in Scotland or beyond, we can support them.

## Our people

In the last issue of *lindsays life*, seven new trainee solicitors had recently joined us. We've now recruited eight more trainees to join the firm in 2020. This is the highest number of trainees Lindsays has ever recruited, a sign of our commitment to the future and to bringing on talent.

With our current crop of talent, from newly qualified solicitors to partners, we take training, development, staff wellbeing and engagement very seriously. We believe this brings many benefits all round – it keeps people at the top of their game; it shows our staff we're invested in their future; it supports recruitment; and it helps us deliver for our clients.

Over the past few years, law firms in Scotland have

faced many challenges and uncertainties from the financial crash of 2008 to Brexit. There'll always be uncertainties, and you can't control that.

So you focus on what you can control: your culture, skills, services, premises, talent and investment. That's how you keep on doing the best for clients, whatever happens in the wider environment. That's what we focus on at Lindsays.



*“Many people probably don't realise how much we've grown our presence in Glasgow recently. We're looking after individuals and their families as much as ever, but we are also more and more active in Glasgow's business community. It's an exciting time.”*

**Ben Doherty**, Partner  
Head of Employment, Glasgow



*“Dundee is an exciting place to be, and our work reflects that. We're seeing young people from the gaming industry, national names looking for commercial property, and more people looking to buy homes here, and we're proud to be helping build Tayside's future.”*

**Chris Todd**, Partner  
Commercial Property, Dundee





## Some of our achievements

### Our community engagement

As a law firm rooted in Scotland, we want to deliver value to the wider community. Each year, we have a wide-ranging charity and sponsorship programme. For example:

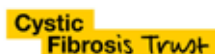
- our chosen charity is the Scottish Association for Mental Health (SAMH) and we fundraise for them regularly; we also have an arrangement that our own staff can talk to SAMH confidentially about anything that's concerning them
- we also support the Tour de Forth, a charity that promotes cycling and raises funds for two locally-based charities: Mercy Corps and Cash 4 Kids
- staff are also encouraged to support other causes close to them, including in firm time; this activity ranges from being charity trustees to helping out with specific projects
- we support grassroots sport across Scotland, with a sponsorship programme that includes the Scottish Cross Country Season and a padel league.

It's fair to say there's a degree of healthy rivalry between our Edinburgh, Glasgow and Dundee offices in terms of fundraising and supporting good causes. This works out nicely for a range of local and national charities!

Since 2013 we've also sponsored Scottish Olympian, Eilish McColgan. Eilish does a wonderful job in representing Scottish athletics around the world and also encouraging young people to participate in sport. To read her latest blog for us go to page 16.



Alasdair Cummings  
Managing Partner



# Charity law needs to be in perfect working order

We all benefit if charities are well run. The sector could see significant change following the Scottish Government's new proposals on how charities are regulated

Most of us have some experience of the charity sector – as a trustee, donor, volunteer, or someone who has benefitted from their work. There are over 24,000 charities registered in Scotland, ranging from local Brownie packs to Universities.

This means we all have an interest in making sure that charities are well managed and regulated.

The Scottish Government has recently announced a review of charity law, given that Scotland's current charity law has been in place for over 13 years. There's a public consultation underway on its new proposals, which cover different aspects of regulation such as:

- the powers of the Scottish Charity Regulator (OSCR)
- publication of charities' annual reports and accounts
- an external register of trustees
- criteria for disqualification of trustees or senior managers
- use of assets by organisations that are no longer charities.

*“The proposals are sensible and workable but are limited in their scope.”*

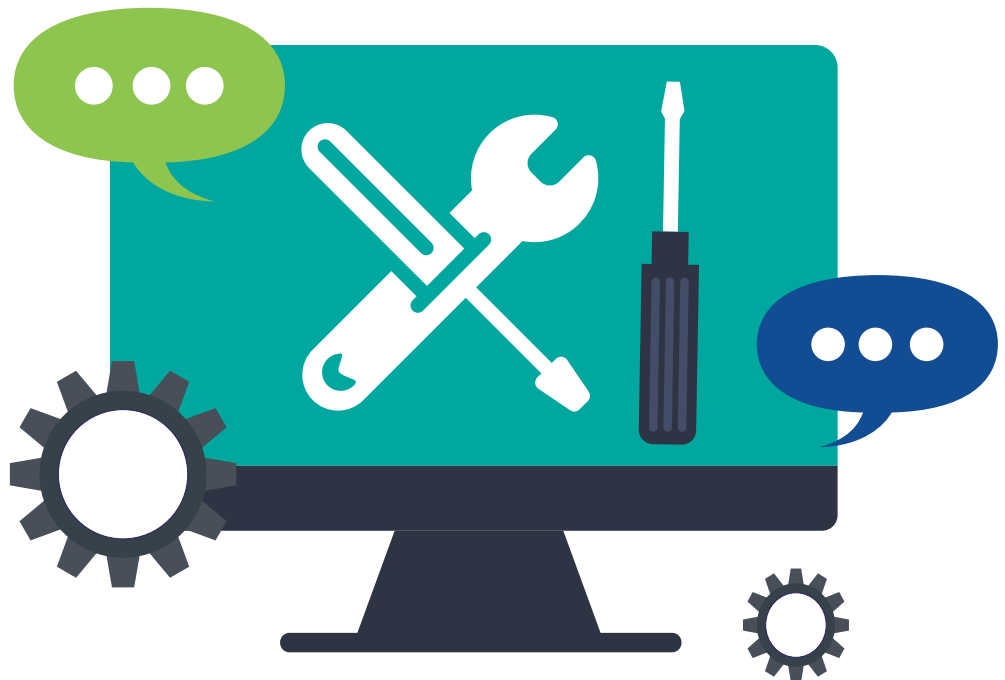
They're inviting views on their proposals from anyone with an interest in the charity sector, with a deadline of 1 April 2019.\*

Lindsays' own view of the proposals is that they are sensible and workable, but are limited in their scope. For example, there is nothing in them to update trustees' duties and ensure higher standards of governance across the sector.

In addition, the charity test – what qualifies you to be a charity – is not being consulted on. This despite many questions being raised over recent years about what should be required to be a charity.

Considering how much the sector has changed in the past decade – with new issues around safeguarding, fundraising, fraud and financial pressures emerging all the time – this is perhaps a missed opportunity to help the sector retain public trust.

We will respond to the Scottish Government consultation on behalf of our clients.



\* The consultation is on the Scottish Government website at <https://www.gov.scot/publications/consultation-scottish-charity-law/>

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# Your place in the sun needs *a place in a Will*

If you own property abroad, you'll need a local Will as well as one at home

It's surprisingly common that people who own a home in another country don't tell their solicitor about it when they make a Will. They assume their heirs can just inherit it along with the rest of their estate.

Alternatively, they include the property in their Will in Scotland or England and Wales, but don't realise they also need a Will in the local country.

In both of these scenarios, you're exposing your heirs and executors to serious potential legal problems; in some cases, local rules could prevent your property going to your chosen heirs.

## Property in the EU

The general rule in the EU is that the inheritance laws of the country where your property is situated will apply to your foreign home. For instance, even if you're domiciled in Scotland, your holiday home in France or Spain is governed by the law of France or Spain.

However you do have the option to make a foreign Will saying you want the law of your nationality to apply to your estate. For example, if you're Scottish and move permanently to France, you can still leave your French home according to Scottish law, without having to follow French 'forced heirship' laws.

*"You also have the option to make a Will saying you want the law of your nationality to apply to your estate."*

That's all due to an EU Regulation which aims to make the different laws of succession more consistent across the EU, and it will apply to British-owned property in the EU even after Brexit.

The important point is that whichever country's law you want to apply to your property, you need a local Will specifying what you want, and this should be done with a local lawyer who knows what's required. On your death, your executors will also have to apply for probate locally.

## Property outside the EU

Elsewhere in the world, there's no hard and fast rule about inheritance and succession. It will depend on the system in the specific country and whether there are agreements in place with the UK. Again, you will need a local Will and a local lawyer to tell you your options.

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# Don't lose out on what you're owed

It's an age-old problem for small businesses: unpaid debts. Before writing them off, read our guide to some common misconceptions about debt recovery. Getting your money may be easier than you think



## 'It's too complicated to pursue debts'

For a hard-pressed business owner, it may be, but a solicitor can shoulder most of the work. Once they have the relevant information about the debts, they can take over the legal processes, updating you as they go.



## 'The debtor may not be able to pay'

A solicitor can obtain a 'pre-sue' report, to ascertain the debtor's likely financial position. For example, this may reveal whether they own property or are in paid employment, in which case the prospects for recovery may improve.



## 'The debtor isn't in Scotland, and I don't want to get involved in a different legal system'

A solicitor who works closely with partners in England (and further afield) can ensure you have the ability to pursue debts wherever required.



## 'The debt is small; it's not economic to use a solicitor'

Debts of as little as a few hundred pounds may be able to be recovered quickly, and solicitors will offer different fee options to allow you to select the approach which works best for your business.



## 'I don't know the debtor's current whereabouts'

This often doesn't matter. A solicitor can usually locate the debtor and start proceedings.



## 'Even with a court order, I'm not sure I'll get the money'

Once you have a court order, you may need to take further steps to secure payment. There are different enforcement options available, and we can explain the pros and cons of each one to you and help you decide how to proceed.



## 'The debts are years old; it's too late to pursue them'

It's certainly a good idea to instruct a solicitor fairly quickly about debt recovery, as the quicker the debt is pursued the higher the chances of making a recovery. But it's usually possible to commence recovery action in Scotland up to five years after the debt first became due.



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# Are your *kids heading abroad* this summer?

If your children are going on a sixth-year holiday in the sun or travelling pre-university, it's a good idea for them (and you) to know some basic steps to take if they have an accident

Each summer sees hordes of school leavers taking their first unsupervised holidays abroad without parents. It's a milestone moment for you and them alike.

If, despite your nagging and advice, they have the misfortune to suffer an injury or ill-health abroad, are there steps they (and you) can take at the time to protect their interests and claim compensation?

The precise details of how and what you can claim vary according to the circumstances and also the type of travel. Compensation for accidents on cruise ships is governed by one international convention, and accidents on international flights by another. There

are also specific UK regulations around compensation for negligence during package holidays.

*“The precise details of how and what you can claim vary according to the circumstances and also the type of travel.”*

However, it is useful to follow a few general rules if you are able to:

- as soon as you can, make notes about what happened
- take photos or videos. For example, with road traffic accidents, try to photograph number plates, and the position and state of the vehicles, and the location of where the accident occurred
- note down the names and contact details of any witnesses
- report any incidents to hotel or accommodation providers and/or tour reps while you are still abroad

- report any incident, damage or injury to your insurers as soon as possible
- seek professional medical attention for injuries while still abroad, and try to get copies of any medical records
- obtain legal advice as soon as possible after your return, as there are different time limits that apply to personal injury claims, depending on the country where your accident occurred.

Our Personal Injury Team deal with a wide variety of claims, including road traffic accidents, slips and trips and injuries at work. We are experienced and committed personal injury specialists who strive to build relationships based on trust and mutual understanding.

Our aim is to find solutions that maximise claimants' financial security and secure their long-term well-being.

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# For richer, for poorer?

**You may think that prenups are just for the rich or famous, but this isn't the case at all. With the wedding and civil partnership season just ahead of us, now is a great time to find out more**

If you Google the terms 'prenups' or 'prenuptial agreements', you'll probably get a long list of articles about whether they work and whether they're unromantic.

In our view, the algorithms have done well here, taking you straight to the heart of the key questions around prenups. However, since many of the articles in Google's list won't be based on Scottish law and Scottish lives, you should be wary about trusting the answers they give. Below we give the Scottish picture.

## What is a prenuptial agreement or prenup?

Prenups set out how couples' assets would be divided if they split up. They're increasingly popular in Scotland where people have built up assets before marriage or where they want to protect assets for children from a previous relationship.

## Do they work?

Unlike in England and Wales, prenups are generally treated as legally binding in Scottish law if both parties understood the terms of the agreement and it was fair and reasonable.

*“Prenups are increasingly popular in Scotland where people have built up assets before marriage or to protect assets for children from a previous relationship.”*

## Are they unromantic?

Possibly, but romance and emotion often get in the way of good decision-making, as we all know.

The better question to ask is: are they a good idea? Certainly, they bring transparency and clarity about what will happen if the relationship doesn't last, and this is usually easier to resolve when the relationship is thriving than when things turn sour.

Prenups can also bring peace of mind to other family members if they're worried about a new partner claiming someone's assets.

## Who are they good for?

Anyone who wants to ringfence any assets they bring to the marriage or protect them for other family members.

## What if you don't have one?

It's also possible to make a postnuptial agreement. It's similar to a prenup but is made after a wedding or civil partnership. Reasons for making one could include receiving a windfall or restructuring your business, or simply not having a prenup in place.

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Partner, Family law

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# How to tell the difference between an *agent* and a *great agent*

We all think we know what estate agents do. They list the property, take photos and arrange viewings. That's all true, but a good agent will do much more to get you a great sale

When you sell your home, most agents will do the basics for you: writing the sales text, uploading your home details to the internet, arranging viewings, and reporting offers. It's the least you can expect, and there are plenty of businesses – online and on the high street – who can do it for you.

All that's useful of course, but a great agent will do much more than that. As well as helping you get a better price, they'll take away much of the stress and uncertainty of selling.

They're *proactive* with their advice and updates, from the first meeting right through to completion.

They're *responsive* to your needs and what's happening with potential purchasers and market conditions.

They're *expert* in tactics around pricing, timing, negotiating and finalising the deal.

This level of service and expertise can lead to a better price and terms. It also helps manage potential issues, such as disappointment around offers that

don't follow through, or delays that could jeopardise your next home purchase.

That's why it's important to use an agent who's the real deal.

*"Lindsays' smart advice about presenting the property definitely helped attract buyers."*

**James, Dundee**

*"It's not always straightforward to work out the best offer to accept, and Lindsays' guidance was invaluable."*

**Hannah, Edinburgh**

Maurice Allan, Managing Director of Residential Property

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0131 656 5740



How a great agency *adds value* throughout the sale



## Early stages

- Valuable tips on dressing or staging the property
- Informed advice on sale strategy and pricing, based on the latest market activity
- Expert guidance on timing the launch
- Professional photographs, floorplans and particulars



## At launch

- Use of full range of online property platforms
- Access to a database of buyers looking for properties like yours



## From launch day to moving day

- Follow-up with prospective purchasers
- Regular contact with staff familiar with your sale
- Ongoing tactical suggestions on the sale
- Advice about timing of closing date
- Recommendations on attractiveness and reliability of offers
- Skilled negotiation with purchasers to achieve best sale price
- Smooth interface with legal team
- Advice available on other aspects of moving, from conveyancing to removals







## *Life lessons* from the track

The training programme of Olympic athlete Eilish McColgan has some useful lessons for all of us

“ People often ask me how I plan my training schedule, especially since I'm based in the UK and my coach (my mother) lives in the UAE.

Though it's not ideal having my coach in another country, it has made me more independent - I don't need someone to make sure I'm doing all my training. If your motivation is internally driven, it's very powerful.

Training on my own means I also have to make sensible decisions about when to slow down. Athletes always want to push the limits but many will end up injured or fatigued because they don't know when to stop pushing themselves. That's a lesson for all of us, not just sportspeople.

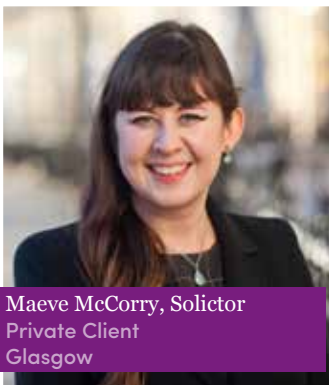
And finally, my mum and I take time at the start of each year to work out a plan for the year ahead. What are my goal races? When do I need to peak? What sort of training should I do through the year?

The plan we come up with is never set in stone because we have to adapt to injuries, illness or setbacks. But I do find it really helpful to set out what I want to achieve in the year - I recommend it for any walk of life.

”

Lindsays has sponsored Eilish McColgan since 2013. You can read her regular blogs on: [www.lindsays.co.uk](http://www.lindsays.co.uk)

## A warm welcome to our *new colleagues*



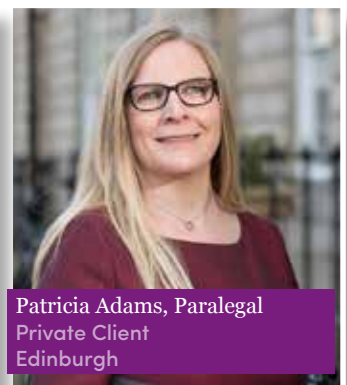
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Vhari Selfridge, Director  
Residential Property  
Edinburgh



Patricia Adams, Paralegal  
Private Client  
Edinburgh

# 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.

You can let us know how you would like to be sent it by going online:  
[www.lindsays.co.uk/manage-your-preferences](http://www.lindsays.co.uk/manage-your-preferences)

Previous issues can be viewed online:  
[www.lindsays.co.uk/news-and-insights/life](http://www.lindsays.co.uk/news-and-insights/life)



We also produce news articles and updates on legal issues affecting you, your family and your business.

To receive relevant updates from us, simply visit:  
[www.lindsays.co.uk/sign-up](http://www.lindsays.co.uk/sign-up) or scan this QR code with your smartphone to sign up.





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