

lindsays *life*

Issue 28



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Welcome to our 28th issue of lindsays *life*



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A wide range of legal matters for people and businesses is covered in this issue, as well as an interview with our new Managing Partner, Andrew Diamond, who took the helm on 1 October.

We're all excited about this next phase at Lindsay's, as well as grateful to Andrew's predecessor, Alasdair Cummings, whose excellent leadership has shaped our people-first culture over the past 14 years.

This autumn, one topic on many people's minds is the upcoming Budget. Last year's featured major inheritance tax (IHT) announcements, and there are predictions that the 2025 Budget will do the same.

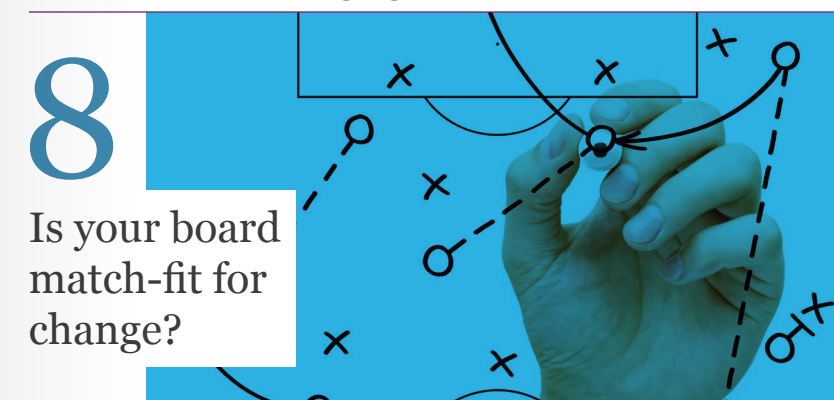
Time will tell; in the meantime, our articles on planning for rural IHT changes and the uses of trusts in inheritance planning should be helpful.

You will also find tips for selling your home even in the depths of winter, and for navigating the ups and downs of family life, whether you fall in love with someone from abroad, are planning to marry, or going through divorce. There's also an overview of today's political landscape and what it could mean for you.

I hope these and other articles will help you on your journey through life, and that you enjoy them too.

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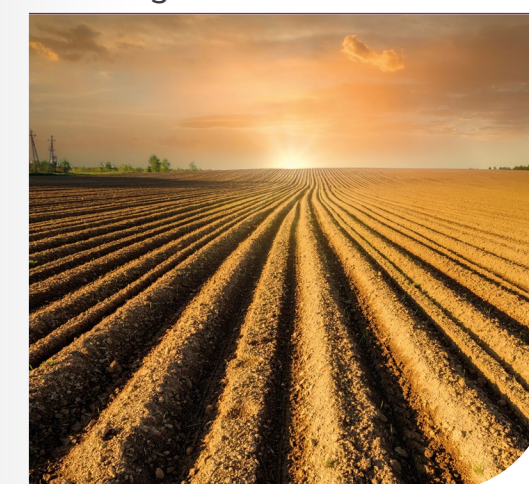


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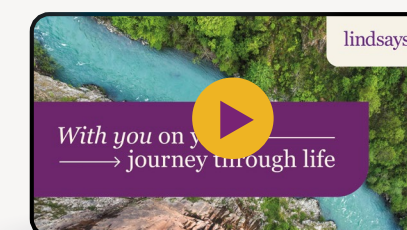
Inheritance tax
changes are on
their way.



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Keep an eye out for links
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Scan the QR code
to view the video
on our website.



With you on your
→ journey through life

Gift DILEMMAS

Among the many media predictions about the 2025 Autumn Budget are changes to inheritance tax (IHT) and lifetime giving.

If these predictions come true, those potentially affected could include not only people planning to use lifetime gifts to mitigate IHT, but also families who help younger generations onto the housing ladder or make other large gifts to loved ones.

Existing rules

The current situation with lifetime gifts is that:

- > Gifts to spouses and civil partners are free from IHT.
- > Gifts to other relatives or friends are counted in your estate for IHT purposes if you die within seven years of making them.

Many people use this seven-year rule in their IHT planning, along with other allowances, including gifts:

- > Of up to £3,000 per tax year.
- > On special occasions such as birthdays or weddings (the allowances depend on the occasion and relationship).
- > From 'normal expenditure out of income'.

Rumoured changes

The rumours circulating about the Chancellor's IHT plans include extending the seven-year rule to 10 years, placing a cap on total lifetime giving, or restricting relief on normal expenditure out of income.

These rumours may prove unfounded, but they do reinforce a wider point. If you want to help a relative with a big purchase or use lifetime gifts for IHT mitigation, do plan carefully in advance and take legal advice.

Otherwise, your generous gift could potentially land loved ones with an IHT shock.



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SOCIALLY *awkward*



Could an informal WhatsApp message to a business contact form a binding contract? A recent construction court case provides the answer.

The decision of the court was, yes, it can. Even though the messages were informal in tone and wording, they led to a binding contract. It's a valuable warning to anyone in business – and their customers – of how easily contracts can be concluded, even accidentally.

This particular case related to a contract for demolition works.

The two businesses had previously exchanged emails about the work, including a written quotation, and in a later WhatsApp exchange, the developer told the contractor the job was his.

The contractor thought that concluded the contract; the developer viewed it as a 'staging point' ahead of agreeing detailed contract terms by email. The court, viewing matters objectively, agreed with the contractor. In effect, the content and intent behind the messages were more important than how they were sent.

LESSONS FOR BUSINESSES

Each case is different, and not every situation involving WhatsApp and contracts will lead to the same outcome, but it raises useful reminders:

- > The same points could apply to other apps or channels, not just WhatsApp.
- > To avoid entering into contracts by accident, be clear about your intentions – for example marking correspondence as 'Subject to contract'.
- > Consider if your staff need training or policies on the use of different communication channels.
- > With informal messages, there is great scope for ambiguity and subsequent disputes. Clarity is paramount.



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Meet our new Managing Partner

On 1 October, Andrew Diamond took up the role of Managing Partner. We asked him about his time at Lindsays, his new role, and his plans for what next.

Andrew Diamond joined Lindsays as a Partner and our head of Residential Property in 2012, through our merger with MacLachlan and MacKenzie. In 2023 he became head of our Perth office too.

Andrew succeeds Alasdair Cummings as Managing Partner. During Alasdair's 14 years in the role,

Lindsays completed six mergers and grew annual turnover from around £9 million to almost **£30 million.**

Q: When you joined Lindsays in 2012, what were your first impressions?

A: When MacLachlan and MacKenzie merged with Lindsays, we had done a lot of due diligence, and were quite sure that it was the right firm to merge with. We liked the style of management, the level of ambition, the scale and the quality of work. Lindsays had the size to do things well, but at the same time, the firm had a human feel, it wasn't a huge corporate.

Thirteen years later, those first impressions still ring true.

Q: What makes you proud to work at the firm and now lead it?

A: I'm proud of the culture we provide for our staff; people genuinely like working at Lindsays. They're well looked after and appreciated, and it's a good place to work. I'm also proud of the high quality advice and service we provide across a whole range of areas and sectors. While working at Lindsays, I've seen how many talented lawyers and staff we have across the different teams.

I look at so many of them and think, "You're brilliant at what you do".



▲ Left to right:
Andrew Diamond and
Alasdair Cummings

“Alasdair has always made a point of getting to know our people, and virtually any time he speaks to someone, they leave the conversation feeling better about themselves and more positive about what they're about to do next.”

Andrew Diamond
Managing Partner, Lindsays



Q: What are your goals as Managing Partner?

A: In the short-term, I would certainly like to develop the Perthshire side of our business.

More generally, I want to keep Lindsays on the path that Alasdair Cummings and our Chief Operating Officer, Ian Beattie, have successfully followed for almost 15 years – steadily and strategically growing the firm.

We also intend to remain an independent Scottish law firm.

Q: You've worked with Alasdair Cummings for well over a decade. What have been his main achievements as Managing Partner?

A: Under his leadership, Lindsays went from an essentially Edinburgh-focused private client practice to a thriving full-service firm for individuals, families and businesses across Scotland. And he and Ian Beattie have done that while keeping the same welcoming and collegiate ethos.

Alasdair has always made a point of getting to know our people, and virtually any time he speaks to someone, they leave the conversation feeling better about themselves and more positive about what they're about to do next. I want to make sure we keep that spirit at Lindsays.

Q: Looking ahead, what are the big issues on the horizon for Lindsays and its clients?

A: Societally, there are some major issues that clients will need help with, and we're ready to do that.

AI and digital are obvious examples. For businesses, generative AI is an exciting tool but it also raises legal issues in areas ranging from employment law to intellectual property. And for individuals, the fact that we increasingly live our lives digitally has some legal ramifications.

Another major issue is the ageing population and the vast transfer of assets that will take place over the coming years.

On all these issues, Lindsays is ideally placed to support people and businesses.



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Is your board **MATCH-FIT** for change?

For your charity to succeed in the current landscape, you need to look after your trustees.

New rules for charities came into force this summer, affecting the publication of their annual accounts, the information they gather about trustees, and the criteria for automatic disqualification of trustees (among other technical changes). They're the latest in a series of regulatory changes for charities in Scotland.

How to keep pace with change?

We know from talking to charities of all sizes that staying up to date can seem daunting – especially at a time of spiralling costs and demand for services. In the backdrop of an ever-increasing regulatory regime, trustee recruitment and retention is a fine balance.

However, your charity's ability to deliver its purpose and ambitions depends on having effective and informed trustees. This can encompass a host of qualities, such as having great ideas about fundraising or being expert about your charities' activities, but it also involves understanding their compliance and legal obligations. This is a 'must have' not a 'nice to have'.

Whether it is an individual's first foray into trusteeship, or a more seasoned board member, the importance of initial education and regular refreshers on the fundamentals of trustee duties and effective governance cannot be underestimated.

So, how to get them match-fit for the current environment?

Tailored support for trustees

In general, the most accessible option for charities is to offer your board (and executives) practical trustee training. This can be tailored to your activities, budget, location, board calendar and their own preferences and experience.

This summer's regulatory changes would certainly be a good topic to cover in that training – particularly since they relate to issues with real significance for trustees: the requirements of OSCR's new trustee register and the amendments to automatic trustee disqualification. Other recent regulatory changes are relevant too, including new director verification rules with Companies House and refinements to disclosure in Scotland.

For many trustees, it will also be beneficial to go more widely into legal and good governance issues.

In a landscape featuring so many challenges,

this support could make an existential difference to your charity, boosting your trustees' confidence and effectiveness and your own potential for success.



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LEGAL AND GOVERNANCE **ESSENTIALS**

At Lindsays, we customise our training to suit each charity, with the overall aim to help trustees and executives protect their charities' finances, operations, and reputation. This commonly includes the legal basics around:

- > The essentials of being a good trustee and governance frameworks.
- > Financial management and understanding charity accounts.
- > Annual reporting requirements.
- > Handling conflicts of interest or internal disputes.
- > When to notify OSCR about a serious incident, or how to respond to an OSCR inquiry.

We also provide training on specific legal issues that could affect your charity, always keeping the training accessible, practical, and suited to the needs of your own team. These could include employment law and HR matters, data protection (including how to handle data breaches), fundraising regulations, or property issues.

two P_s in a pod

What's the difference between a prenu and a postnup? Not much. And both are increasingly popular.

There's one major difference between a prenuptial agreement and a postnuptial agreement, and that's the timing. A prenuptial agreement is made before marriage, a postnuptial is made afterwards.

Otherwise, prenups and postnups essentially do the same: setting out how a couple's assets will be divided if they split.

Both prenups and postnups offer

- > A simple and sensible alternative to haggling over who will retain which assets should the relationship sour or having to leave it to the law to decide.
- > A way to ringfence any assets you bring to your marriage. This can protect assets which you ultimately want to benefit your children from a previous relationship or even other family members.

The two Ps compared

Of the two types of agreement, postnups have a lower profile, but their flexibility makes them a useful option to consider. For example, they can be used if you did not make a prenu, or want to update a prenu after marriage to cater for the arrival of children, a windfall or the restructure of a business.

Postnups also provide time and space. Both agreements may only be overturned by a court if they are shown not to be fair and reasonable at the time that they are entered – for example, neither partner should face undue pressure to sign. A rushed prenu signed as you organise 25 last-minute wedding arrangements may appear less reasonable than a postnup agreed in less haste!



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time & SPACE

Many people assume they should wait for spring before putting their home on the market. That isn't always true.

We've seen a busy property market across Scotland in 2025 and we expect this to continue into 2026.

Mortgage rates are affordable, and markets are active but not out of balance. This makes it a tradeable market for both sellers and buyers – especially if you get your tactics right.

Despite the traditional view that spring and summer are the time to sell, it's possible to achieve a successful sale at any time of year. However, it does help to follow some basic principles.

1 Get photography done as soon as possible. Most properties show up better amid autumn colours than on a dreich day in late November.

2 Solicitor estate agents who are embedded locally are best placed to advise on pricing, timing and other aspects of a successful sale. Contact them early to discuss the optimum selling season for your own property.

3 Edinburgh, the Lothians, Glasgow, Fife, Tayside and elsewhere all have their own property microclimates. Again, local advice on your sale tactics is invaluable for a good autumn / winter move.

4 Launching a property to the market later in the selling season could mean less competition. Buyers are in the market all year and will act if the right property comes to the market.

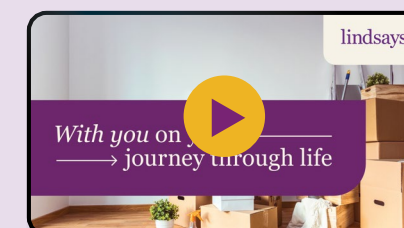


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IS A TRUST

right for you

Trusts are well known for their flexibility - think of them as the legal world's Swiss Army knife. They can help with everything from safeguarding assets to planning for future generations.

This versatility and multiplicity – and a few myths as well – create mixed feelings about trusts. Some people come to us hoping they will be the answer to everything, when they may not be suitable. Others feel less sure, assuming they'll be too complex when they would, in fact, be very useful and fitting for their circumstances.

Not just for the very wealthy

To give you an idea of trusts' versatility for families, we've collated some examples of scenarios where they are often used. Everyone's circumstances are unique, of course, so a trust will not always be the best solution; equally, this is by no means a comprehensive list of their possible uses.

Providing for blended families

Let's say you have remarried and share a home with your second spouse. You want to ensure they have a roof over their head if anything happens to you, but you also want the value of the house (or your share of it) to go to your children from a previous relationship.

In this case, a 'liferent' trust within your Will could provide the solution, ensuring your surviving partner has the benefit of the house that you share during their lifetime but ultimately, the equity passes to your children.

Retaining some control over assets

If you want to transfer assets to your children (before or after your death) but think they're currently too vulnerable, young, or irresponsible to have full control over those assets, a trust may provide the answers.

This is a way to give beneficiaries the ultimate benefit of the assets, but retain an element of control over their management. The trustees can have discretion as to how the assets and income are managed and distributed in favour of your selected beneficiaries, either indefinitely or for a fixed time.

Keeping things flexible

It is possible to put a mix of assets into a discretionary trust for your loved ones, rather than specifying who gets what in your Will. You specify the proportions you want each heir to inherit, and the trustees then allocate the assets in the most appropriate and tax-efficient way at the time of your death.

Therefore, if at the time you are making and reviewing your Will, there are various aspects to your affairs – perhaps both family and tax-related – that are uncertain, a discretionary trust in your Will may be appropriate.

Three simple tips

Those are just a taster of trusts' possible uses, but with any arrangement involving a trust, there are some crucial considerations:

- 1 Different types of trust are taxed differently,** and tax arrangements can change – do not assume they will avoid Inheritance Tax or other taxes.
- 2 You are dependent on the trustees to deliver your wishes** and comply with legal and HMRC requirements, so choose them wisely.
- 3 Small errors in setting up a trust or using an unsuitable type of trust can thwart your intentions** or lead to costly legal disputes: do consult an experienced private client solicitor.



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THE LEGAL BASICS

A trust is a legal arrangement or relationship for managing assets:

- > The **settlor** gifts property, investments, cash or other assets into the trust - in their lifetime or in their Will.
- > The **trustee or trustees** manage those assets.
- > The **beneficiary or beneficiaries** benefit from the assets in the trust.



from romance to TAPE RED TAPE RED



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Navigating the system for UK visas for partners and spouses can seem overwhelming, but there's support available.

In a globalised world where so many people travel or work abroad, it's not uncommon to date or marry someone from another country. If that happens to you (or a family member), you may assume you have the right to bring your partner to the UK – especially if you have lived with them abroad in a long-term settled relationship and now want to return home. In fact, it's not so simple.

A LEGAL LABYRINTH

The complexities around UK Partner visas are multiple, including:

- > Which sources of income will be accepted for the minimum income requirement.
- > What evidence is needed to show your relationship is 'genuine and subsisting'.
- > The difference between various visa types, such as Fiancé visas, Unmarried Partner visas, and what they allow you to do.

A small slip in a visa application can lead to delays and refusals, even where you have a strong and genuine case. As a result, many couples find themselves living in limbo – or apart – as they try to navigate the system.

In any visa application, experienced advice on which route to take, whether you can apply in the UK or abroad, and the information and documents you need to gather, can be game-changing.

Travel

TROUBLE

If you suffer an accident on, or involving, public transport, you could be eligible for compensation. But there are important steps you must follow.

All of us take public transport at some point, whether it's a train to work, a taxi to a meeting, or a bus to the shops. And as with any travel, accidents can happen, with consequences ranging from bruises to breaks, whiplash injuries, or worse.

What can you do about it?

- 1 Seek** medical treatment as soon as possible. Your wellbeing should be your top priority.
- 2 Ensure** the driver or conductor knows about the accident, and that you report it to the transport operator or employer (and, if relevant, the police).
- 3 Gather** evidence. Note the time and location of the accident, take pictures of the scene and your injuries, and ask witnesses for their contact details and any photos or videos they take.
- 4 Keep all** paperwork that could support a future claim, including your ticket and records of expenses such as medical treatment or taxi fares.



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A personal injury solicitor can guide you through all the steps for a successful claim. This will include assessing who was at fault, the extent of your injuries and the losses you have suffered, and what you will need to demonstrate.

As you only have three years from the date of the accident to make a claim, it's important to seek legal advice as quickly as possible.

Head beats *heart*

IN A 'GOOD' DIVORCE

When going through a divorce, a focus on practicalities and mutual interests rather than 'winning' is likely to deliver better outcomes.

Any family lawyer will tell you that divorces happen at any stage of your married life. Couples may separate only months after marriage or the birth of a child, drift apart in mid-life, or surprise their families with an 'empty nest' or 'grey' divorce decades after tying the knot.

While the circumstances surrounding every divorce are unique, one over-riding question is critical regardless of your age or stage:

what do your proposed divorce arrangements for both childcare and finances look like from a practical point of view?

Rights vs reality

The stage of family life at which you split will steer some of the practicalities here. For instance, if you have younger children, you may need to consider a parenting plan, one parent working restricted hours due to childcare commitments, or the issue of school fees.

The length of your marriage and your respective career paths may also determine the practical ease of separating out your assets and structuring a financial settlement. The issues could include do you both work full time, can you both obtain mortgages, are there pension assets to share, and is it sensible to do so if either of you are close to retirement?



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When negotiating their divorce arrangements, some people focus on their desire to 'win' – especially if they feel wronged by their spouse in the marriage breakdown.

By insisting on the strict application of the law, you may achieve an outcome that does not work for anyone from a practical point of view. For example, an insistence on obtaining 50% of the equity in your house may result in that property being sold and your children losing their family home.

A good family lawyer should guide you through this balancing act, weighing up all the considerations and achieving tailor-made solutions. These can ensure you receive a fair settlement but not at the expense of the practical outcome that you desire.

Divorce in practice: children

A good example of the importance of practicalities in divorce is the arrangements for children. People sometimes insist they want to share care equally when this may be incompatible with the realities of their working lives – for example, one parent may work regular and long stints offshore or abroad.

By negotiating arrangements they probably cannot adhere to, they may open the way for a range of negative outcomes including deteriorating relationships with their children or co-parent, or a forced career change. In such cases, their 'win' on the arrangements doesn't look so positive.



Buckle up, there's turbulence ahead

As businesses and individuals plan for 2026, the politics of Westminster and Holyrood are going to influence their decision-making. Political commentator Andy Maciver gives the lowdown on what to expect.

If you are in the market for stable politics, I'm afraid you're not likely to find it in Scotland or the UK any time soon.

This is not what businesses, charities and individuals want to hear as they try to navigate legal issues from succession planning to property to employment issues. But current political uncertainties do highlight the importance of regularly reviewing your legal and financial arrangements.

Westminster

Down at Westminster, Sir Keir Starmer's government has experienced continuing turbulence along with negative press and poll ratings. Resignations, sackings and scandals were not expected to be a key feature of the Starmer government, but they certainly were this summer, most notably in the cases of the Deputy Prime Minister Angela Rayner and the US Ambassador Lord Mandelson.

Meanwhile, scrutiny of the under-pressure Chancellor will only intensify as the Autumn Budget draws closer. Many in the government would like to spend more money in the upcoming Budget, to try to attract back some voters. However, the Labour manifesto's 'non-negotiable' fiscal rules and the economy's on-off growth performance, leave the Chancellor with little wriggle room but plenty of scope to disappoint colleagues, commentators and voters.

Meanwhile, Nigel Farage's popularity continued to grow over the summer. At the time of writing, his Reform UK party had led around 100 opinion polls in a row and a number of high-profile Conservatives had defected to it. Many people were even asserting that if, for any reason, a snap General Election was held, he had a good chance of being Prime Minister.

Holyrood

Here in the Scottish Parliament, we know we are getting an election next May. For a while, last year, it looked as though the SNP's long period in government would end, but Labour's difficulties at Westminster have also impacted its Scottish operation.

As I write this, the SNP are odds-on to win again and make it to 25 years in office. However, its popularity level is still well below where it was at the last Scottish Parliament election in 2021.

That calls into question John Swinney's stated strategy of winning a Holyrood majority to force another independence referendum. For my money, he knows that is unlikely to happen, but is playing a longer game based around Nigel Farage causing chaos at Westminster and driving Scots into the arms of independence.

He may be right - polling suggests that nearly 60% of Scots would vote for independence if Nigel Farage was UK Prime Minister.

The rising popularity of Reform UK may impact Holyrood too. Some polls have predicted the party may come second to the SNP, and if the SNP's popularity declines as predicted, an agreement with Labour to hold onto office may go from being unthinkable to necessary.

At the very least, it looks as though the SNP leadership will need to rely on the Liberal Democrats, or repeat its previous arrangement with the Greens, which caused significant controversy last time.

The picture for businesses

Currently, the mood of Scotland's SME community is fairly low. The departure of Kate Forbes is giving cause for concern, and the looming Budget is making them nervous, given that the previous one produced the rise in employer National Insurance.

These SMEs will no doubt be watching the Scottish election next May with caution. It had been presumed that the Greens were out of government forever, but in modern politics there is no such thing as forever.

While we can expect more chaos in politics before any calm, that is not to say that SMEs are powerless. The John Swinney government has some history of responding to sensible, measured lobbying by groups such as the Federation of Small Businesses and the Chambers of Commerce, so making your issues known in those organisations, and pushing for them to take action, would be a worthwhile way to spend the next few months.

In addition, as other articles in this issue demonstrate, there are other ways you can plan for your business and your family, even in turbulent times.



Andy Maciver

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Andy Maciver has over 20 years' experience in politics and public affairs. As well as being a co-founder and director of Message Matters, a regular commentator on the BBC and STV, he is co-host of Holyrood Sources, the most listened to Scottish politics podcast. He's been an adviser to Lindsays for a number of years, and here gives us a ringside view of what lies ahead in politics north and south of the border.

Investing in our services for clients

“One of our greatest strengths at Lindsays is being able to attract and nurture good, talented people and then giving them opportunities to flourish and further their careers.

Andrew Diamond
Managing Partner, Lindsays

Nurturing talent at Lindsays

People are at the heart of all we do at Lindsays. By giving everyone in the firm opportunities to learn, develop and further their careers, we also support our clients.

Our latest promotions, including two new Partners, illustrate this commitment to nurturing our people.

Eilidh Robertson has become a Partner in our Rural – Land and Business department, based in Edinburgh and advising estate owners, rural businesses, individuals and lenders across Scotland. Eilidh joined Lindsays as a trainee in 2016 and has climbed the ranks through successive promotions.

Darren Lightfoot, in our Commercial Property team in Edinburgh, has also been promoted to Partner, having joined Lindsays as a Solicitor in 2017. He supports commercial landlords, tenants, individuals and businesses on a wide range of property issues.

In other changes, Dundee-based Partner **Chris Todd** has succeeded our new Managing Partner Andrew Diamond as Head of Residential Property, while Partner **Leanne Gordon** becomes Head of Rural - Land and Business, based in Edinburgh.



▲ **Andrew Diamond**, Managing Partner with two newly promoted Partners, **Darren Lightfoot** and **Eilidh Robertson**

Developing our paralegals

Our paralegals play a crucial role in supporting individuals, families and businesses, and their career development is important to the firm and our clients. Congratulations to:

- > **Pauline Easley**, who becomes a Senior Paralegal in the Dundee-based Private Client team.
- > **Eve Skimins**, who becomes a Senior Accredited Paralegal within the Dispute Resolution and Litigation department, based in Glasgow.



▲ **Pauline Easley** Senior Paralegal, Private Client



▲ **Eve Skimins** Senior Accredited Paralegal, Dispute Resolution and Litigation

Developing our Private Client team

There are also two promotions in our Private Client department, in Edinburgh and Perth:

- > **Harriet Waters** steps up from Associate to Senior Associate in our team in Edinburgh.
- > **Simon Smith**, in our Perth office, becomes an Associate, having previously been a Senior Solicitor.

Both Harriet and Simon assist individuals and families on a varied range of private client issues, including Wills, Powers of Attorney and the administration of executries. Harriet is a full member of The Society of Trust and Estate Practitioners (STEP), and Simon is an affiliate member. Both are also Notary Publics.



▲ **Harriet Waters** Senior Associate, Private Client



▲ **Simon Smith** Associate, Private Client

Expanding our support in Perthshire

This year, the number of people and businesses we work with in Perthshire and Tayside has reached an all-time high. So we've added to our support for property owners, investors and developers there with experienced commercial property lawyer Keith Rawlinson joining our team as a Partner.

Keith, who grew up and lives in Crieff, has over 20 years' experience of supporting clients on landlord and tenant issues, property investment and development, and asset management.

“What’s really drawn me into this role is that Lindsays provides a genuinely local client-centred service, but with a national perspective. Our team on the ground knows local people and the local market.

Keith Rawlinson
Partner, Commercial Property



▲ **Keith Rawlinson** Partner, Commercial Property

Succession sown up

It's an inescapable truth for the rural sector that inheritance tax (IHT) changes are on their way. With these in mind, there are five principles to consider when planning for the future.



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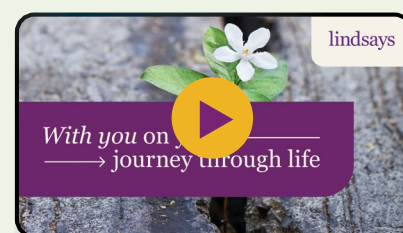


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With you on your
→ journey through life

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1. Get to grips with APR and BPR

For most farms, the £1 million of IHT relief will likely combine agricultural property relief (APR, which applies to land and buildings) and business property relief (BPR, which applies to other assets such as farm shops or shares in the farming business). It's a combined cap, so do not assume there is £1 million relief for each type.

In addition, not everything relating to the farm may qualify for APR or BPR. There are numerous pitfalls, from farmhouses being insufficiently 'character-appropriate', to not meeting the different qualifying periods for each type of relief, to lacking relevant records.

2. Don't leave it too late

The 'inheritance tax' label on this new legislation suggests to some families that the impacts will kick in only after death. That's a mistake; the changes have ramifications before that.

As a result, it's more advisable than ever to start the process of succession planning early, getting expert advice around the options for using lifetime transfers, gifts, spousal exemptions, nil-rate bands, and the IHT taper on gifts.

If you already have planning in place, it likely needs updating to cater for the new rules.

3. Slower can be wiser

With the IHT changes just months away and people advising you to plan for succession early, you may feel pressured to find an instant IHT 'solution'.

There are plenty of options for mitigating IHT – including transfers, trusts, and life assurance – but this is complex territory. To add to that complexity, some transfers made pre-April 2026 could still be subject to the new IHT regime.

It is better for your planning to be slower and wiser than risk unintended consequences affecting anything from family relationships to eligibility for subsidies, APR or BPR.

4. Understand what you own

The nature of rural life, land and property means that many farm and estate owners don't have full clarity (or paperwork) about the extent of what they own. Additionally, as family members diversify into new activities from farm shops to safaris, there may not be full oversight of the value or shares in these businesses.

A prerequisite for succession planning is to get precision over what you own, what you do, and all the titles and paperwork associated with that.

5. Plan holistically

Succession planning for any farm or estate requires a joined-up approach between solicitors (private client and rural – land & business), accountants and perhaps other advisers too. Rather than your farm's future being dictated by tax, it still has to work as a viable business.

None of this is simple, and decisions must be tailored to the individual family and farm. Don't rush into it to try to beat the deadline, but don't delay it either. And do get specialist advice.

THE CHANGES: A RECAP

Currently, 100% relief from inheritance tax (IHT) is available for agricultural property and business assets, if they meet the criteria.

This changes from 6 April 2026, when 100% relief will be restricted to the first £1 million of combined agricultural and business property. Remaining assets will receive only 50% relief, making them subject to 20% IHT (at current rates).

Farming families may also be affected by the extension of IHT to unused pension funds and death benefits from April 2027 – particularly if they envisage one child inheriting the farm and another inheriting the unused pension pot.



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