





# Welcome to our 27th issue of lindsays life



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As ever, the Lindsays team have covered a wide range of topical issues for people and businesses, from inheritance tax changes to the launch of our new immigration service for families and employers.

You will also find practical information on preventing issues with lost or DIY Wills, and on staying out of legal hot water when posting on social media. And if you are thinking of moving, there are helpful pointers for first-time buyers and people looking for rural property.

From my own perspective as a Family Law solicitor, I would recommend the articles on how to avoid unintended family law consequences when making decisions about childcare, work and running a family business.

Also helping you to make good decisions about life, relationships and property you can now watch all the episodes in our first series of 'With you on your journey through life' videos.

In the videos, our lawyers discuss the modern family, prenups and postnups, misconceptions about living together, the importance of Wills and Powers of Attorney, and how to separate with respect – link available in the panel on the opposite page.

We very much hope you enjoy both the videos and this issue of Lindsays Life.

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Keep an eye out for links to view our videos showcasing how we can support you and your family through every milestone in life.



With you on your journey through life



# BE PREPARED FOR BUDGET AFTERSHOCKS

Pension changes announced in the 2024 UK Budget could affect younger families more than they expect.



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Last October, when Chancellor Rachel Reeves announced new rules relating to inheritance tax (IHT) and pensions, some people assumed the change would mainly impact affluent retired people or those approaching retirement.

What they may not realise is that the changes could also create IHT traps for younger families and couples, in ways that could stretch their finances after the death of a partner or spouse.

## The changes explained

Until now, most unspent pension funds have not been subject to IHT when someone dies, but the Budget proposed to change that from April 2027. As a result, some families and couples could unexpectedly find their estate subject to IHT on death. In addition, the change could delay death in service payments.

Many couples assume their assets won't be subject to IHT because they do not have huge savings or investments.

However, they forget the possible effects of house price rises and the freezing of the IHT threshold (see box). For example, a property with a market value of £250,000 in 2025 could perhaps be worth £300,000 or more in 2030. Add to that other assets like a workplace or personal pension or Death-in-Service payments, and people could find themselves above the £325,000 IHT threshold in a few years' time if no other allowances or reliefs are available.

This is especially significant for unmarried partners who co-own property because they won't benefit from the IHT exemption for spouses. Having to pay IHT at 40% on anything over the available threshold could strain their future finances and leave them in a difficult position.

## Payment delays

There's also a second change that could hit families or couples. Under the Budget proposals, pension scheme administrators would become liable for reporting and paying to HMRC any IHT due on pension funds and death benefits.

Currently, death in service payments can be made relatively quickly, but from 2027 pension providers would likely need to wait until the deceased's executors had finalised other estate and IHT arrangements.

If the deceased's family are relying on a payout to cover funeral, mortgage or other expenses, the delay could create financial hardship.

## Your options now

The 2024 Budget proposals on IHT are yet to be converted into legislation, so the details may change. Even so, they're a further incentive for individuals and families to consider how to ease the financial and legal arrangements for their families through making a Will and doing some IHT planning.

The pension changes in the Budget are not a reason for people of any age to reject saving into a pension, but they are a useful reminder of the benefits of planning ahead and taking advice, whatever your age.

## INHERITANCE TAX IN BRIEF

Inheritance tax is a 40% tax on the value of someone's net assets (including their possessions, savings, investments and property) when they die. There are various exemptions and reliefs available, for example:

- > No tax is payable on the value of assets below £325,000 (known as the nil-rate band).
- > If you leave your home to children or grandchildren, there is an additional nil rate band of up to £175,000 available in certain circumstances.
- > No tax is payable on assets left to a spouse or civil partner.
- > Any unused nil-rate band can be added to the surviving spouse's nil-rate band.

The nil-rate band of £325,000 has been frozen since 2009 and the Budget changes mean it won't change until at least 2030. In the meantime the value of assets like property could continue to increase, meaning that many more families will be drawn into the IHT net. The inclusion of pensions and death in service payments in IHT calculations will surely add to this number.

With you on your ———  
———> journey through life

Watch our video explaining why it is so important to make a Will and put in place a Power of Attorney (PoA).





# BALANCING acts

Don't overlook the importance of discussing financial and parenting roles in a relationship.

**T**he realities of working life and childcare costs make it common for one parent to reduce their hours or take a career break when they have children. Most couples will carefully consider the short-term effects on their finances but may not be aware of, or discuss, the implications should they separate.

## The meaning of fair?

The courts have always recognised the value of non-financial contributions made in the interests of the family, and their goal, on separation, is a fair and equitable division of the matrimonial property. But the meaning of 'fair' can prove contentious.

The starting point in many separation arrangements is that the couple divide their assets equally.

**But it's not uncommon for parents who give up work to ask for more than half, to compensate for detriment to their career.**

They may also seek month-to-month support since they are financially dependent on their partner. If this argument succeeds, the parent who continues to work throughout the marriage may be awarded less than half of the assets.

## Have the conversations

There's no question that financial and non-financial contributions are equally important in families, but

**the key point here is that couples should make financial and career decisions with their eyes open – including the implications if they split.**

These conversations allow you to plan financially, align your expectations, and reduce the risk of resentment upon separation. This is likely the best approach for everyone, especially the children.

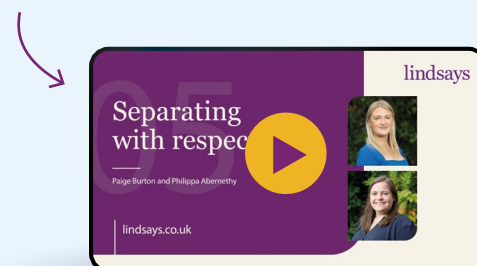


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*With you on your ———  
———→ journey through life*

**Watch our video** in which we dispel some of the myths and clarify misconceptions around marriage and living together.



# Lost & Wills

What can you do if a Will has been mislaid? And how can you prevent this happening in the first place?

← Return to contents page



**W**ills can be lost for many reasons. They get mislaid in house moves or lost in the post, destroyed by fire or chewed up by the dog. And sometimes they are not lost at all, but the family does not know where they are or which solicitors hold them.

Having a copy of the Will can be useful, however the courts require the executors to present the original Will. They will not proceed with the estate's administration without it unless evidence is provided to explain the fate of the original document.

## Get advice early

Where a Will cannot be found, fairly technical legal procedures will likely be required, so advice from a solicitor is strongly recommended. Getting legal advice early can avoid delays and ensure the estate is appropriately administered.

You will need evidence not only that a Will was made, but also that the deceased did not destroy it deliberately. Previous correspondence with solicitors or others can be helpful here, so

## ...don't throw anything away!



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## How to help your family

The most effective path of all is prevention rather than cure.

- 1** Keep a copy of your own signed Will.
- 2** Let family or loved ones know where to find a copy of your Will, who is storing the original, and up-to-date details of your solicitor.
- 3** Revisit your Will every few years, checking that your solicitors have it safely and it still reflects your wishes.

...And if the dog does chew up your Will, do keep the scraps of paper until you have a new one!

*With you on your ———  
———→ journey through life*

**Watch our video** explaining why making a Will and putting in place a Power of Attorney (PoA) is so important.





# Clear road ahead



A growing number of business owners think employee ownership is the best direction of travel.

**H**ow do you make your business stronger and more sustainable? It's a question that keeps many business owners awake at night, and for a growing number of them, the answer is employee ownership.

Among the companies Lindsays has recently helped to take this route are a traffic management company, an engineering consultancy, a bingo chain, a childcare provider and an art gallery, illustrating the point that employee ownership can work across a huge range of sectors and business types.

## Why do it?

Employee ownership is commonly used as a long-term exit strategy, but it's also seen as a strategy to improve performance. Recent research by the Employee Ownership Association<sup>1</sup> found that

<sup>1</sup>The Robust Growth Champions report by ThinCats in partnership with the EOA and Ownership at Work

Employee Owned Businesses (EOBs) were **8-12% more productive than non-EOBs** perhaps because more than four out of five said that **employee motivation had increased since they had adopted the EOB model.**

For the owner, it's an opportunity to phase their exit step by step and keep it tax-efficient as well. If they sell more than 50% of a company's shares to employees, they can qualify for capital gains tax relief, as long as certain conditions are met.

It's also possible for staff in an EOB to receive an annual bonus of up to £3,600 per employee, paid free of income tax.

## Butler builds for the future

Another Scottish firm which recently transitioned to employee ownership with legal advice from Lindsays, is Glasgow-based engineering consultancy Butler Consulting, which anticipates the move will help it recruit new talent into the business.

***“Becoming an EOT has allowed us to strengthen the management team whilst making the business more resilient.”***

“Completing this has re-energised me personally and I intend to remain involved for several years to come. Transforming to an EOT allows me to do this whilst allowing others to thrive and develop their careers. “The EOT model is a perfect fit for a business like ours to continue to develop whilst allowing all to contribute and share in the success that they help create.”

**Robert Butler**  
Founder, Butler Consulting

## Green light from Apex

One company that recently took the employee ownership route is Apex Traffic Management, which provides traffic management for motorway projects and events, including meetings at Hamilton and Ayr Racecourses, the Great Scottish Run and last year's British Open in Troon. In fact, you may well have encountered its traffic lights and signage when driving around Scotland or elsewhere in the UK!

After building up their company over 20 years, its three directors were thinking about their long-term exit strategy, but didn't want to sell to a competitor. “We had two or three other companies come in to try to buy us, but the offers on the table just didn't feel right,” says director Iain Griffin.

They decided to explore other options and heard about Employee Ownership Trusts (EOTs), where the shares in the business are owned collectively through a trust, and the trustees exercise control of the business for the benefit of its employees.

“The more we looked into that, the more we felt this was the route to go down.

***“It gives us a long-term exit strategy and ensures we have something in place which leaves a legacy.”***

“More importantly, though, it's a way of recognising our team's hard work and the part they have played in getting the business to where it is. It gives them a direct stake in Apex.”

**Iain Griffin**  
Director, Apex Traffic Management

## Making it work

Reaping all the potential productivity, resilience and recruitment benefits of employee ownership is certainly not a quick fix.

Regardless of sector or company size, there's a list of specialist legal, financial and management issues to consider, ranging from the ownership structure used to tax planning to the views of employees. But on all of these issues and others, there is plenty of support available.



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# Business and relationships

Stay alert for red flags when mixing business and family.

Whatever people say about not mixing business and relationships, it's usually better to view them in the round.

If you have a business or farm, you will no doubt want to run it tax-efficiently. Sometimes, though, a financial or commercial decision that seems sensible at the time can have unintended and expensive consequences if you later split with your spouse or civil partner.

Being aware of some fundamental family law principles and taking advice early could save you from sleepwalking into this situation.

## What's in the pot?

When a couple divorce, the financial arrangements usually involve them sharing the matrimonial assets between them.

**The big question for the couple and their lawyers is what does and doesn't count as a matrimonial asset.**

The starting point is that:

- > Assets purchased during the marriage, in sole or joint names, go into the matrimonial pot to be divided.
- > Assets already owned by one spouse at the time of marriage, inherited assets, and assets gifted from a third party are non-matrimonial assets and do not have to be shared.

That's the simple part. It then becomes more complicated because non-matrimonial assets can convert into matrimonial assets, without one or both spouses realising. For example, if you inherit money from your granny and keep it in your savings, it is excluded from the pot; if you use it to buy a holiday house, that house could be a matrimonial asset.

## Business red flags

If you have your own business or farm, the possibilities for it converting from a non-matrimonial asset into a matrimonial one are especially tricky to navigate.

**A step you make for tax or commercial reasons – such as changing the structure of the business – could subsequently embroil you in a complex family law dispute**

about whether the asset now belongs in the matrimonial pot.

We give some examples in the box on this page, but beware, it's not a comprehensive list. You will also see that

**mingling family and business can create employment law pitfalls.**

## Take precautions

None of this means your hands are tied in terms of running your business or farm tax-efficiently; nor does it mean that every claim about a business being a matrimonial asset will succeed.

What it does mean is that when making decisions around a business, it's worthwhile getting family law advice alongside your tax or commercial advice to understand the possible consequences.

A family law solicitor can also tell you how to protect yourself from situations like those above, for example with a prenuptial or postnuptial agreement. It's likely to be far cheaper and less damaging to both the family and the business than a fight over the assets.

## Three scenarios when business and family can mix badly

**1** You inherit or set up the business before your marriage but afterwards, for tax or commercial purposes, you change its corporate structure or reissue shares in a different class. This could open the way for your spouse to argue that a new matrimonial asset has been created.

**2** After marrying, you make your spouse a partner, shareholder or director in your business or farm, perhaps for tax reasons. Even if their role is not active, it could be argued that the arrangement has converted the asset into a matrimonial one.

**3** You make your spouse an employee of the business. Even if their role is just on paper, they may be eligible for employment rights, such as the right to claim for unfair dismissal if you later decide you want them off the books.



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With you on your ———  
———> journey through life

**Watch our video** exploring how to manage emotions and prioritise children's well-being when going through a separation.





# More support for our clients

We're expanding our service offering for families, individuals and businesses.

## Welcoming our new Partner providing immigration expertise

This spring, we were excited to welcome **Gurjit Pall** as a Partner at Lindsays, where he is leading our new service supporting businesses and individuals on immigration matters. The launch responds to the growing demand from businesses and families for expert guidance to navigate the complex UK immigration system. Bringing more than a decade of experience to his new role, Gurjit said:



▲ **Gurjit Pall** Partner, Immigration Law

*This role is incredibly rewarding because it allows me to make a real difference in people's lives. I'm thrilled to join Lindsays as the firm grows its immigration law offering.*

He writes about the new service on page 22.

## New support for people and families in Perth and Dundee

We've also responded to the growing demand for our services across Perthshire and Tayside. Through key appointments in our Perth and Dundee offices, we're extending our support for people and families, whether they are marrying, moving or navigating other stages of the journey through life.

In our Family Law team, **Clair Cranston** has joined us as a Senior Associate, working closely with our Family Law Partner **Caroline Mackintosh** in our Perth and Dundee offices. Both advise on a wide range of matters including divorce, separation, child contact and residence, cohabitation agreements, prenups, postnups and adoption.

Meanwhile, in our Residential Property team in Dundee, **Lisa Mannion** has come on board as a Senior Associate. She's using her vast experience across the full spectrum of residential conveyancing to support clients across Tayside. And in Perth, the arrival of new Associate **Mairi Innes** has strengthened our Residential Conveyancing team.

Both Lisa and Mairi offer clients the benefit of strong local market knowledge, having lived and worked in the area for a number of years.



▲ Our head of Family Law, **Alison McKee** (centre), with new Senior Associate **Clair Cranston** (left) and Partner **Caroline Mackintosh** (right)



▲ **Lisa Mannion** Senior Associate, Residential Property



▲ **Mairi Innes** Associate, Residential Property

## Services for businesses

In our Edinburgh office, we have also recently welcomed **Michael Kitson** as a Director in our Commercial Property team. Michael brings a wealth of experience of working with developers, contractors, consultants and funders, and his expertise includes drafting and negotiating all forms of construction documentation.

Also increasing our support for business clients is new Senior Associate **Sharon Somerville**, our first corporate lawyer based in Dundee.



▲ **Michael Kitson** Director, Commercial Property



▲ **Sharon Somerville** Senior Associate, Corporate

## Stronger than ever

Welcoming our new colleagues to Lindsays, our Managing Partner **Alasdair Cummings** said, "As a firm, we pride ourselves on responding to the needs of the people we work with, and these new appointments illustrate that perfectly.



### Alasdair Cummings

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*Whether you're a Scottish business looking for end-to-end guidance on immigration issues or a commercial property project, or a Dundee or Perth family looking for support on your journey through life, the experience and expertise of our new colleagues enable us to support you more than ever.*

We are delighted to welcome more new team members across a number of our departments and offices - you can find details on page 23.





## Recognising *talent*

Among our 15 recent promotions are four new Lindsays partners, including one who joined the firm as a trainee.

**W**e have a strong commitment to career progression at Lindsays and recently announced a string of promotions across all our offices. Among them is **Alastair Smith** who first came to Lindsays as a trainee 20 years ago straight out of law school and now makes Partner in our Corporate team in Edinburgh.

Our three other new Partners are Glasgow-based **Rachel Holt** in the Personal Injury team; **Gregor MacEwan** from our Dispute Resolution and Litigation team in Edinburgh; and **Stephen O'Hare** in our Private Client team in Perth. These promotions take the total number of Partners at Lindsays to 53, our highest-ever number.

In addition, six lawyers are taking the step up to Director:

**Emma Allan**, Commercial Property, Perth.  
**Vanessa Beattie**, Commercial Property, Edinburgh.  
**Brian Pollock**, Dispute Resolution and Litigation, Glasgow.

**Lewis Crofts**, Rural – Land & Business, Edinburgh.  
**Eilidh Robertson**, Rural – Land & Business, Edinburgh.  
**Lyndsey White**, Rural – Land & Business, Dundee.

Elsewhere, **Kathleen Willis** (Personal Injury, Glasgow) and **Lindsay Carr** (Residential Property, Dundee) have been promoted to Senior Associate, while three Solicitors move up to Associate level: **Paige Burton** (Family, Edinburgh), **Sean McEntee** (Employment, Edinburgh) and **Erin Peoples** (Residential Property, Dundee).

▲ Lindsays Managing Partner Alasdair Cummings, centre, with his newly-promoted colleagues.  
**Left to right:** Sean McEntee, Paige Burton, Lindsay Carr, Emma Allan, Lyndsey White, Stephen O'Hare, Gregor MacEwan, Alasdair Cummings, Rachel Holt, Alastair Smith, Eilidh Robertson, Vanessa Beattie, Lewis Crofts, Kathleen Willis, Erin Peoples.

*“Our commitment to attracting fine legal talent and offering opportunities for people to progress their careers with Lindsays is unwavering. These well-deserved promotions stand testament to that.”*

**Alasdair Cummings**  
Managing Partner, Lindsays



▲ Lindsays new Partners with Alasdair Cummings (centre).  
**Left to right:** Stephen O'Hare (Private Client), Gregor MacEwan (Dispute Resolution and Litigation), Rachel Holt (Personal Injury), Alastair Smith (Corporate).

# STOP & think

Even with the law on defamation updated in Scotland, reckless social media posts can land you in legal hot water.

**T**he words of a Sheriff in an ongoing defamation action in Scotland offer a useful reminder about the need for caution on social media:

*“In the bear-pit of social media, nuance is lost amidst the babble of the online throng and the blizzard of the infinite scroll.”*

At the nub of the Sheriff's initial decision in this case – Ashton Properties (Glasgow) vs Unite the Union – was whether social media readers tend to:

- > pause and reflect on the nuance of social media posts, or
- > react more impressionistically, understanding posts in a way that could make them defamatory. The Sheriff took this second view.

### Lessons to learn

While the case relates to specific circumstances and wording, it highlights the point that using poetic licence or deliberate ambiguity on social media and online review platforms could enmesh you in expensive legal proceedings.

The Defamation and Malicious Publication (Scotland) Act 2021 simplified and modernised the law in Scotland, updating it for the digital age and codifying defences like truth and honest opinion. However,

**even with clearer legal principles and defences, it's important to be temperate in what you write or imply online.**

It's useful advice for family members too, whether they're a teen on TikTok or a Facebook-loving octogenarian.



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Before posting, commenting or sharing:

- > Check the facts.
- > Choose your words wisely.
- > Remember that nuance is lost in the “babble of the online throng”.



# Food for *thought*

A cautionary tale about the pitfalls of improvised Wills and the consequences for families and charities.

Towards the end of last year, you may have spotted a news story about whether or not a Will written on the packaging for Mr Kipling mince pies and Young's frozen fish fillets was valid.

The High Court ruled that it was valid, meaning that

the charity Diabetes UK was able to inherit £180,000.

Had the case gone the other way, the charity would have missed out on a legacy that the deceased and his family wanted it to have. Even with a positive outcome, the three years of legal proceedings needed to reach that point were tortuous and costly for the charity and the deceased's family.



## Lessons for life – and beyond

The case happened in England, where the laws on Wills and succession differ from Scotland's, but

it still provides lessons on both sides of the border about the value of a properly drafted Will.

The problem in this highly technical case was not the use of food packets per se but whether two separate 'documents', only one of them witnessed, could be accepted as a single – and therefore valid – Will for the purposes of probate (known as Confirmation in Scotland). But that's far from being the only way that improvised or DIY Wills can create long-running issues for families and charities – to the right you'll find just a taste of the issues.

## The charity angle

The other point flagged by this case is how important legacies are to charities of all sizes, especially in the current economic climate.

Legacies amount to over £3.4bn annually, about a sixth (16%) of all fundraised income for UK charities, according to the Charities Aid Foundation.

As well as keeping charities afloat, these gifts offer inheritance tax planning opportunities for individuals and families.

## DIY WILLS: THE PITFALLS

- > The requirements for a properly-drafted Will differ north and south of the border – if you follow the wrong rules (a common issue when using online Wills), it may not be valid.
- > Even apparently minor issues with signatures or witnesses can invalidate a Will.
- > Language that may seem clear in everyday life can be ambiguous or problematic when it comes to the laws governing succession.
- > Certain relatives can claim legal rights, as set out in law, which can change the distribution of the estate in terms of the Will.
- > Many people overlook the importance of making or updating a Will to reflect life changes like buying property with a partner, marrying, separating or having a baby.

The results of these slips can include costly court wrangles, the 'wrong' people claiming an inheritance, or partners being left in financial difficulties.

Not to mention the expense and discord that can accompany those situations.

However, as with Diabetes UK, the course of true generosity doesn't always run smooth.

Firstly, a legacy can be thwarted by the reasons above; secondly, there are additional issues specific to charities:

- > A common problem is a mistake or ambiguity in the Will about which charity people want to support. For this reason, the charity's registered number should always be included as well as its legal name.
- > The charity may no longer exist (or may have restructured), or no longer be able to meet the legacy's conditions (such as using it for a specific purpose).

Some basic precautions when making a Will can avoid these, such as checking OSCR's register to confirm a charity's registered number and how the charity may prefer to receive legacies.

Preparing your Will with a solicitor will help avoid any legal pitfalls and provide some flexibility in case your chosen charity restructures in future.



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# Making a difference

Lindsays Make a Will fundraiser provides significant boost for mental health charity SAMH.

During Make a Will month at the end of 2024, Lindsays encouraged donations to the leading mental health charity SAMH (Scottish Action for Mental Health) instead of charging fees for Wills. With the results of the fundraiser now finalised, we are delighted that

our lawyers and clients raised over **£11,000** for the charity.

Through our SAMH Make a Will appointments, lawyers from our Private Client team waived their regular fees. Instead, they recommended a donation of £200 to SAMH for an individual Will or £300 for a pair of 'mirror' Wills by couples, with clients able to donate more if they chose. All donations went directly to SAMH and are being used to support its mental health services across Scotland.

SAMH works to end stigmas surrounding mental health, providing vital support services, raising awareness and help to those in need, with services for adults and young people. The charity celebrated its 101st anniversary in 2024.

*"We are absolutely delighted to have raised so much for such a fantastic cause. This incredible achievement was only possible thanks to the generosity of our clients, and we are truly grateful for their support."*

*"SAMH makes such a difference to peoples' lives by encouraging and supporting positive mental health, which is incredibly important to us as a firm. We are extremely proud of our continued association with the charity."*

**Alison McKay**  
Partner in our Private Client team



You can find out more about SAMH by visiting the website at [samh.org.uk](https://samh.org.uk)



Lindsays has supported SAMH for several years through staff volunteering, fundraising, activities and events, while also highlighting the benefits of sport and exercise for mental wellbeing. We were delighted to take this partnership to the next level with the Make a Will campaign, while also helping our clients to plan for the future and protect the people they care about.

Alison McKay continued: "Wills are something which everyone should have in place. By making your wishes clear, you can ease stress and pressure on your loved ones at what is an already upsetting time for them. Through this initiative, we have not only helped our clients secure their futures but also contributed to a charitable cause that makes a real difference in people's lives."

If you missed our Make a Will month campaign but still want to use your Will to support a charitable cause, read our article on page 16 of this issue of Lindsays Life. You'll find some useful information about the importance of legacies to charities and how to avoid common pitfalls when making a legacy yourself.

*"We are very grateful for this generous donation from Lindsays and their clients. It will help improve the lives of people experiencing mental health problems across Scotland."*

*"As one of our longest-standing corporate supporters, we appreciate Lindsays' continued commitment to SAMH and to the wellbeing of our communities."*

**Billy Watson**  
Chief Executive of SAMH

*"It is very comforting to know that our Wills are now up to date and after such a smooth experience with Lindsays, it makes us wonder why it took us so long to do it! The added bonus was donating the very reasonable fee to SAMH."*

**Mr & Mrs Wilson**



# New buyers *beware*



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First-time buyers should stay savvy about **property myths**.

2025 looks like a good year for first-time buyers. Mortgage rates are falling, the property market is tradeable, and there are good volumes of properties for sale. This is happy news for anyone keen to get on the property ladder, but you should not let three common misconceptions derail your plans.

**1 Gifted deposits:** Many buyers rely on generous relatives for home-buying help, but fear this will deter lenders. While most lenders do have criteria on this point, it should not be a deal-breaker.

Typically, the family member must confirm that the gift is not repayable, and they will not have any legal interest in the property.

Your solicitor will also be required to verify the source of the gift.

**2 Mortgage value:** Many buyers do not realise that lenders will only lend on the value of the property, rather than what you offer for it.

Any amount in excess of that value will not form part of the mortgage

and must be funded from your own savings or a gift.

**3 Missives:** When a seller accepts your offer on a property,

you will receive a 'qualified acceptance', but this is not legally binding.

Only when your and the seller's solicitors have 'concluded the missives' (the letters they exchange about the sale conditions) will you have a binding contract.

This usually happens once any mortgage offer has been issued, and evidence of funding has been provided.



## The great *escape*

Five things to be aware of when buying rural property in Scotland – from water supply to roadworks.

**P**eople all over the world hanker for a rural retreat in Scotland. If you're one of them, it's useful to verify a few issues when househunting in the countryside.

**1 Private water supply:** Many rural properties get their water supply from a borehole, stream or springs, rather than the mains. This entails various legal obligations relating to registration, testing and water quality, and it's important that the current owners have complied with them.

While none of these issues need stop you buying a property, you will certainly want conveyancing solicitors and surveyors who understand them.

**2 Sewerage:** Rural homes often discharge their wastewater into private septic tanks, rather than public sewers. This requires a consent from the Scottish Environment Protection Agency (SEPA), so check this is in place.

**3 Access:** It's essential to understand if the access road leading to the property is adopted (i.e. maintained) by the council, or the responsibility of you and/or your neighbours. This upkeep can be a major expense, as well as a common cause of disputes.

**4 Renewables:** Checks here range from the ownership of any wind turbines or solar panels on the property, to whether any major renewables developments are planned for the local area.

**5 Boundaries:** Check that the boundaries shown on the title deeds correspond to those on the ground, and also that those on the ground are clearly defined. This can help to avoid future disputes.



**Donald Towsey**

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## Our new service: Immigration Law

A growing number of businesses, individuals and families need advice about immigration and visa matters.

The increasing demand for immigration advice reflects the evolving and complex nature of the UK immigration landscape and the growing number of businesses and individuals who have to traverse it. Since Brexit, for instance, the number of employers holding sponsorship licences, which enable them to sponsor staff from overseas, has risen from 30,000 to over 127,000.

Nor is it just large corporates that are seeking these licences; we see employers from mid-size downwards needing them, especially in the social care, hospitality, construction and tech sectors.

Meanwhile, individuals must navigate a complex terrain of different visa routes, from Skilled Worker and Global Talent visas to UK Ancestry visas.

### End-to-end support

Responding to the growing call for guidance on immigration issues, Lindsays has launched a new service advising businesses, individuals and families on immigration and the various visa routes available.

For businesses, that means supporting them end-to-end to hire and retain overseas staff, from applying for sponsoring licences, to managing immigration compliance and audits as well as providing right to work training sessions.

For individuals, it means supporting them on the various pathways available, whether they are looking to visit, work or study in the UK, reunite with a partner or family, extend their stay, settle, or claim British citizenship. We can help them identify the most appropriate type of visa, understand the eligibility requirements, navigate the application process, or find the best strategy for handling Home Office decisions.

If you are unsure which immigration visa route best suits your circumstances or how best to achieve your business goals, we offer an initial fixed-fee consultation for both businesses and individuals.

### Gurjit Pall

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## Welcome to our *new colleagues...*

We are also pleased to welcome the following colleagues who joined our offices in Edinburgh, Dundee and Glasgow.



Donald Towsey

Senior Solicitor  
Rural - Land & Business  
Edinburgh



Jasmine Munro

Solicitor  
Commercial Property  
Edinburgh



Joel Glass

Solicitor  
Personal Injury  
Glasgow



Lauren Beauchamp

Solicitor  
Private Client  
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Vicki Winter

Property Administrator  
Residential Property  
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Shay Rasul

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*With you on your —————  
—————→ journey through life*