

# lindsays *life*

Issue 18





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Corporate and Commercial  
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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 eighteenth issue of *lindsays life*.

With 2020 well underway, many people have quietly dropped some of their more ambitious resolutions for the year. But spring brings fresh opportunities to make changes and resolutions.

Not only does April herald the new tax year, but longer days and better weather bring most of us a welcome shot of energy. Why not use this energy to do some planning for your family or business?

In this issue of *lindsays life*, we offer you a feast of good ideas for doing that. There are articles on looking after your children's future, or, if you are recently retired or thinking of retiring, your own future.

We tell you how Living Wills and Powers of Attorney offer you and your family more control over the future, and explain how to tap into the latest trend in selling and buying houses.

For employers, there is news on employment regulatory changes you can expect in April; and for business owners and directors, practical advice on how to prevent fallouts felling your ambitions.

If you are cohabiting, pondering a mixed civil partnership, spend time volunteering for a charity, or own land, we also have news and guidance for you.

Alongside these and other articles, you can read about the latest developments at Lindsays, including a recent merger, promotions, new starts, and sponsorship news.

We hope you enjoy the mixture of articles, and that they're useful to you, your family and your business. We also hope we've provided some inspiration for your spring resolutions.

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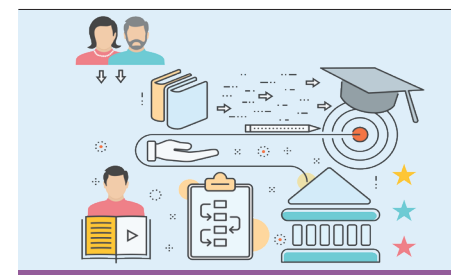
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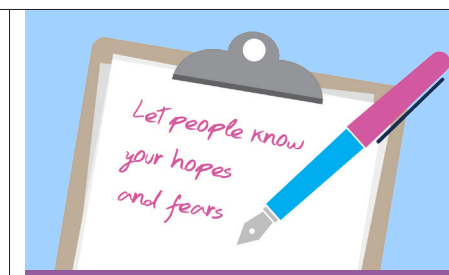


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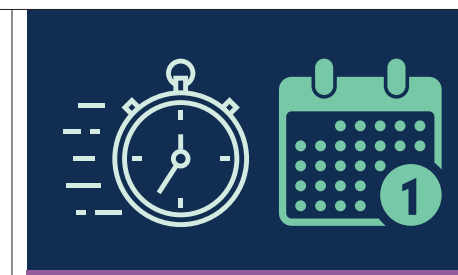
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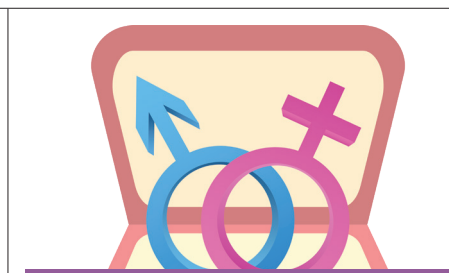
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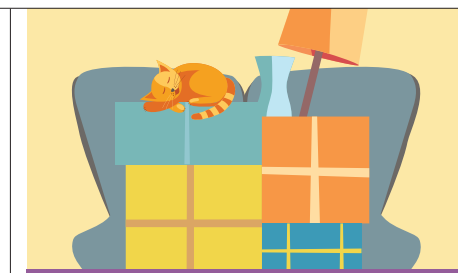
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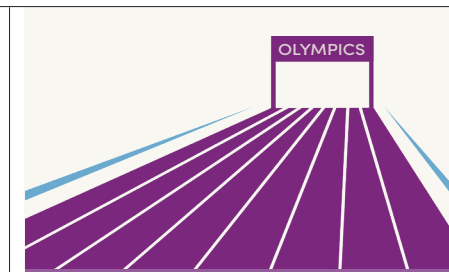
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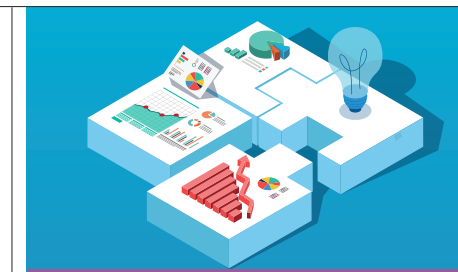
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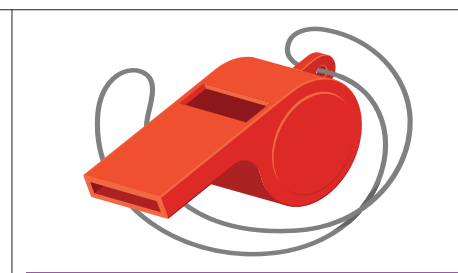
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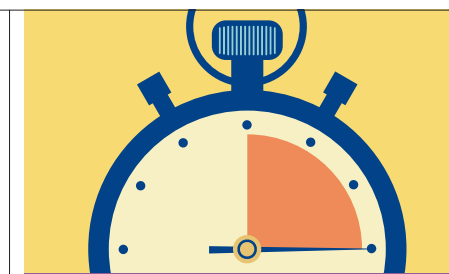
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# The *bank* of Mum and Dad

Parents' financial obligations to their children do not necessarily end at age 18 or on the last day of school. It's possible for children to claim financial support for many years beyond that

It's the time of year where secondary school pupils across Scotland are making decisions about their university, college or training choices, and the financial implications.

Parents too may be considering the financial aspects of their children leaving school, and may think their obligations to support them are over. However, they should be aware their 'aliment' obligations (ie, their obligations to support their child financially) may extend to the age of 25.

The extension applies where the child stays in appropriate training or education, and will depend on factors such as:

- the parents' resources
- the child's reasonable level of

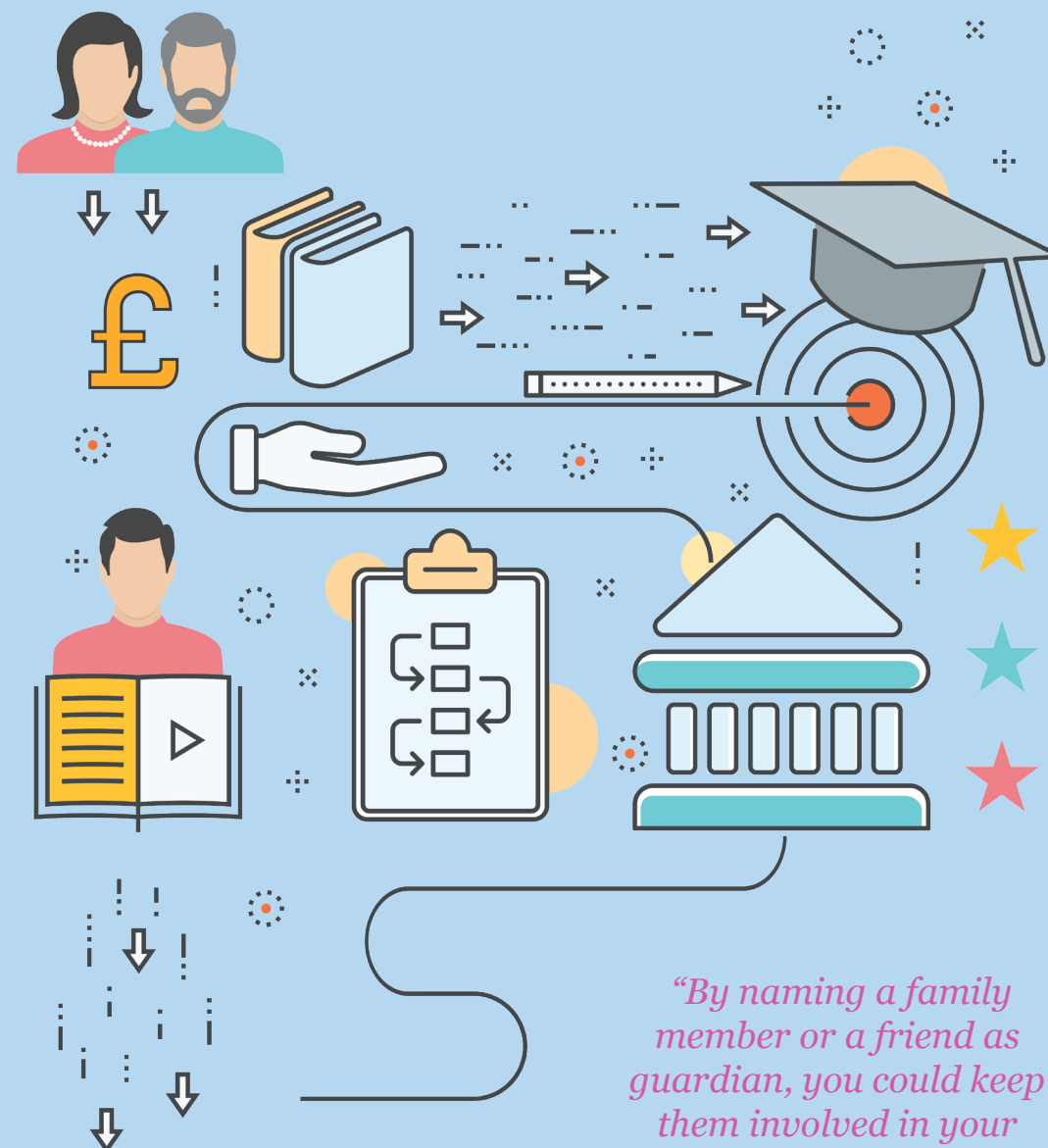
expenditure and whether they could or should top up their income with, say, a part-time job.

## An amicable resolution

Few children will want to start their time at university with a legal claim against a parent. But then again, few want to be diverted from their career goals by a lack of financial support from parents who have the resources to help them.

As with most family law situations, court should always be the last resort. It's almost always constructive (and cheaper) to agree a solution through solicitors or mediators who understand the options.

In the meantime, we wish you and your families good luck with your post-school choices and summer exams!



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# Do the *right thing* for your children

A few simple steps can help to protect your family if anything happens to you. They can also settle some of your own parental worries

It's hard being a parent nowadays. Not only do you face issues that didn't affect previous generations – such as social media usage – you're also at constant risk of falling foul of labels like 'helicopter parent', 'tiger mum' or 'snowplough'.

But worries about modern parenting subside to nothing beside the bigger question that has tormented parents for centuries: what would happen to my children if I was no longer around?

Life assurance is the first port of call for many parents looking to protect their children; another high priority should be making a Will and naming a guardian (or guardians) to take on your parental rights and responsibilities.

## Single and split parents

Naming a guardian in a Will can be especially reassuring for single parents.

Let's say you are separated or divorced from the other parent, and concerned that if you died, your child could lose contact with your side of the family. By naming a family member or a friend as guardian, you could keep them involved in your child's upbringing.

## Other safeguards

You also have other mechanisms available to provide reassurance about your family's future. For example, trusts can offer long-term security for younger children, vulnerable children or adults, whilst a Letter of Wishes (see below) is a useful place to set out your hopes for your children.

For most parents, worrying comes with the job description and won't go away. But even though you can't manage everything in your children's lives, there are some aspects that you can – and should – control. Deciding who will look after your children if you die is one of them.

## Let people know your hopes and fears

A Letter of Wishes sits alongside a Will and tells executors, guardians, trustees and family members about your hopes for the future – anything from where your children go to school to a request that they go to church or get riding lessons. (They can also be used for other purposes, such as expressing your preferences for your funeral or how a discretionary trust is used.)

Although a Letter of Wishes is not legally binding and does not need to be witnessed, there are still legal pitfalls to navigate. For example, certain types of wording could lead to your Will being called into question. Good advice can easily avoid this.

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# HR: don't get caught out by new *April rules*

Employers must prepare for a range of new rates and rules, including on holiday pay, minimum wage and employment details

It's spring. The weather is warmer, and many of us are starting to think about time off after a hard winter. But for employers and human resources (HR) teams, March is a busy month – and not just because of the end of the tax year.

In 2020, as in other years, there are significant employment changes taking effect in April. Below, we highlight the ones most likely to affect small businesses. Ignore or overlook them at your peril.

TRANSPARENCY

From 6 April, all new workers and employees will have a right on day one to an enhanced written statement of key details of their employment, including paid leave, days and hours worked, eligibility for sick leave and pay, training requirements and all remuneration.

**To do:** If you are currently recruiting, update your standard contracts ready for anyone starting on or after 6 April and make sure they're issued on day one – or before.

HOLIDAY PAY

The reference period for calculating holiday pay entitlement for workers without regular hours will go up from 12 weeks to 52 weeks. This is intended to help those such as seasonal workers whose hours – and therefore holiday pay – fluctuate.

**To do:** Be ready to recalculate holiday pay entitlement for all staff, particularly those whose working hours vary. Keep records for 52 weeks (or the full term of employment, if shorter).

INFORMATION & CONSULTATION (I&C)

The threshold for employees to demand I&C arrangements will fall from 10% of the workforce to 2%. However, at least 15 employees will still be required to make the request, so this is unlikely to affect small businesses.

PAY ESSENTIALS

Rates of National Minimum Wage will increase from April 2020:

AGE	OLD RATE	RATE FROM APRIL 2020
National Living Wage 25+	£8.21	£8.72
21+	£7.70	£8.20
18–20	£6.15	£6.45
16–17	£4.35	£4.55
Apprentice	£3.90	£4.15
Maternity pay, adoption pay, paternity pay and shared parental pay	£148.68*	£151.20*
Statutory sick pay	£94.25	£95.85

\*Or 90% of average weekly earnings for the first 6 weeks, whichever is lower.



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# Blurred lines: when is a charity volunteer not a volunteer?

If you volunteer as a trustee, help out in a shop or do other volunteering, it's helpful to be clear on your status

Scotland has around 1.2 million charity volunteers, over a quarter of the population. Unfortunately, the line between paid employees and volunteers can easily become blurred, either at the start of a volunteering relationship or during it.

When this happens, volunteers may find themselves put under too much pressure to carry out tasks or work at certain times. Charities also make themselves vulnerable to claims for backdated national minimum wage, holiday pay, unfair dismissal, statutory sick pay, and redundancy payments, among other costs.

their employees: volunteers do not have employment contracts and they do not get paid.

This is correct, but on both counts the rules may be less clear-cut than you think.

First, an employment contract does not have to be written, so volunteers need not have anything in writing to claim employees' or workers' rights. Questions about their employment status can arise when charities require them to do tasks, imply there will be consequences if they fail to do them, or talk about 'duties' or 'job descriptions'.

Second, charities that are too generous or relaxed about offering volunteers expenses may put themselves at risk. For example, a charity that routinely give £5 or £10 for travel to a volunteer who lives just round the corner could be seen to pay them.

**Volunteer agreements**  
An effective way to maximise clarity over volunteers' status is to have a written volunteer agreement (note the word 'agreement' rather than 'contract').



**Jane Watson**  
Head of HR Consultancy  
Glasgow



This should:

- set out what the charity hopes for from volunteers – for example, in terms of time commitments and behaviour – rather than what it requires
- be clear on expenses arrangements.

In addition, a good volunteer agreement can protect charities and their volunteers by covering other elements:

- data protection
- health and safety obligations
- vetting arrangements if volunteers work with children or vulnerable adults
- processes to follow if volunteers have issues or complaints.

For everyone – charities, beneficiaries, volunteers and trustees – it's better if there is clarity around what volunteers do – or don't do.

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## Introducing prism

HR Consultancy Services

Prism HR Consultancy is Lindsays' new bespoke human resources (HR) service offering organisations of all sizes advice on staff related matters. These could include anything from how to recruit and retain great people, to discipline matters, to performance management.

The service is tailored to meet different needs. For some businesses or charities, it could mean providing HR support in-house one day a week; for others, it could mean ad hoc support.

In all cases, this type of advice can be transformational. Staff are usually the driving force behind success, so it helps to have expert support on managing them.



# Mixed news on *civil* partnerships

Did you hear the news about mixed-sex civil partnerships being legalised?  
It may not be quite what you think – in Scotland, at least

If you're a fan of pub quizzes, University Challenge or other tests of general knowledge, you may want to memorise the names of two people: Rebecca Steinfeld and Charles Keidan.

They're the two people who campaigned for years for civil partnerships to be extended to mixed-sex couples, took their case to the UK Supreme Court, and managed to win. As a result of their efforts, the Westminster government changed the law at the end of 2019.

Steinfeld and Keidan's resulting civil partnership was widely reported

in the media at the end of last year, along with government estimates that up to 84,000 mixed-sex couples could become civil partners in 2020.

*“A Civil Partnership (Scotland) Bill is going through the Scottish Parliament but... it is not expected to become law until 2021.”*

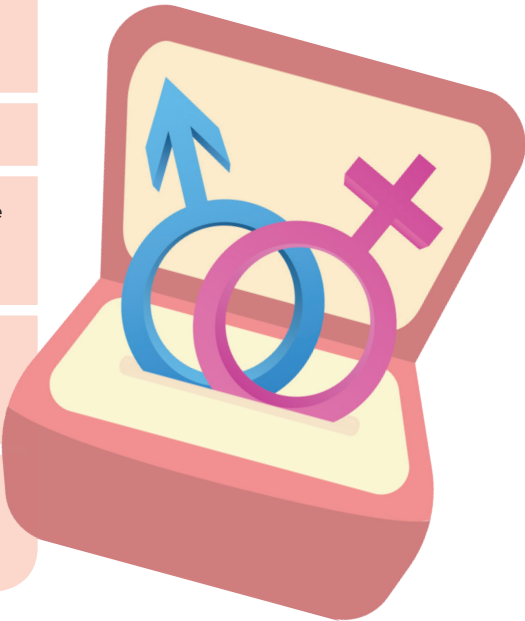
Many people across the UK assumed these 84,000 couples would be spread across the UK. In fact, this is not so. Mixed-sex civil partnerships were given the green light in England and Wales, but the legislation has not yet been changed in Scotland (or Northern Ireland).

Instead, would-be mixed-sex civil partners in Scotland will have to wait a while. There is a Civil Partnership (Scotland) Bill going through the Scottish Parliament but it is in its earliest stages, and not expected to become law until 2021.

### Do civil partnerships offer anything that marriage doesn't?

Or in other words, if you're a mixed-sex couple in Scotland wanting to formalise your relationship, should you wait for the law to change?

DIFFERENCES	SIMILARITIES
Administrative differences, eg, whose names are included on the certificate	Rights to property (if you split or one partner dies)
Marriage is terminated with a divorce, civil partnership with a dissolution	Pension rights and survivor benefits
Campaigners said civil partnership is 'more modern .. with a focus on equality'	Exemption from inheritance tax



As shown above, both civil partnership and marriage offer couples important legal and financial protections not automatically available to cohabiting couples (see article opposite). If you're set on waiting till 2021 or decide not to do either, you should take good legal advice on how to protect your assets and your financial future.

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# Living together: *not quite* what you think?

Cohabitees who assume they have the same rights as married couples and civil partners may be in for a shock. But it's possible that changes to the law will help them

You will know already that lawyers – or rather, the people who draft and interpret the law – are prone to understatement. So when the legal great and good say that, 'Practitioners have identified a number of issues with the operation' of certain laws, what they mean is rather more colourful than that.

This is the situation with the law relating to cohabitees, or specifically what happens if they split up or die.

Practitioners have identified a number of issues with the existing laws that put even longstanding cohabiting families in a weaker position than married people or civil partners.

**Changing the law**  
The good news for cohabitees is that things are set to change as the Scottish Law Commission is reviewing the law relating to cohabiting couples.

The bad news is that nothing will improve immediately. A recent Scottish Law Commission discussion paper will be followed by a report and an impact assessment, and then by further discussion. After that, a Bill will still need to be drafted and taken through Parliament, which is unlikely to take place until 2021.

*“If cohabitees split up, they may not be able to reclaim their share of the deposit on their home.”*

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In the meantime, cohabitees will still be vulnerable. For example, did you know:

- if a cohabitee dies without a Will, their partner is not necessarily entitled to inherit their share of the home or carry on living there
- unlike spouses, civil partners and children, cohabitees do not have automatic 'legal rights' protecting them from disinheritance
- if cohabitees split up, they may not be able to reclaim their share of the deposit on their home.

**Protection for cohabitees**  
There are two ways for cohabitees to protect themselves against situations like those. The first is to make a Will, specifying what you want your partner to inherit.

The second is to ask a family law solicitor to draw up a simple cohabitation agreement, setting out what should happen to your property and possessions if you split up. For example, you could agree practical mechanisms for one person buying the other out or getting their deposit back.

The current law review may well clear up some of the deficiencies of the current law on cohabitation, but we would caution against relying wholly on a law change to protect your own rights and assets. Only with a cohabitation agreement (as with a prenuptial agreement) can you get an agreement and solutions designed for your own circumstances.





# Our merger with *Hadden Rankin*

We are delighted to announce our latest merger - Edinburgh firm **Hadden Rankin**

At the end of 2019, Lindsays merged with Edinburgh-based legal practice, Hadden Rankin. The merger saw all Hadden Rankin staff given the opportunity to transfer to Lindsays, and Hadden Rankin's founding partners - Ross Hadden and Dot Rankin - become partners at Lindsays.

Hadden Rankin's expertise lies in property and private client services, and this merger will provide their clients with the wider range of legal services that we offer.

This marks our latest merger in a programme of strategic expansion, which has included similar mergers with MacLachlan & MacKenzie (2012), Shield & Kyd (2012), RSB Macdonald (2015) and Aitken Nairn (2018).

Our Managing Partner, Alasdair Cummings said:

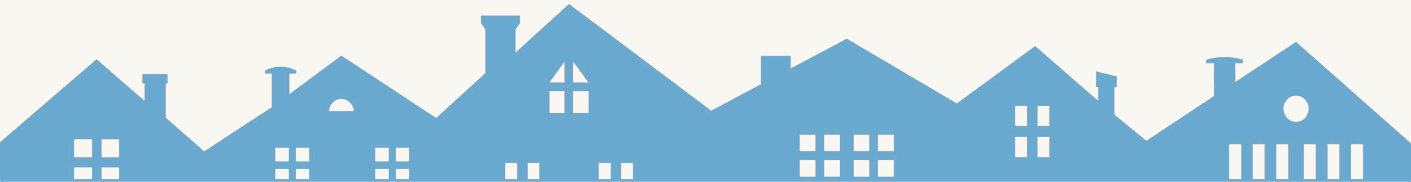
*“We're delighted to continue our growth through this merger with Hadden Rankin.*



*Ross and Dot have built an excellent practice which provides a strong fit with Lindsays, and we welcome them to our partnership.*

*Throughout Lindsays' long history we have constantly adapted and evolved, but our core ethos - to provide expert, accessible and reliable lawyers - has endured, and Ross and Dot will play a*

*key part in continuing this philosophy when looking after clients' personal, family or business affairs. ”*



# Discover our new *property website*

Our new website gives home sellers the edge in a highly competitive market

We are very pleased to have launched our new residential property website: **property.lindsays.co.uk**

Andrew Diamond, Partner and Head of Residential Property at Lindsays, said:

*“Today's home buyers and owners do the majority of their research and property searches online so we wanted our website to be easy to use, comprehensive and helpful.*

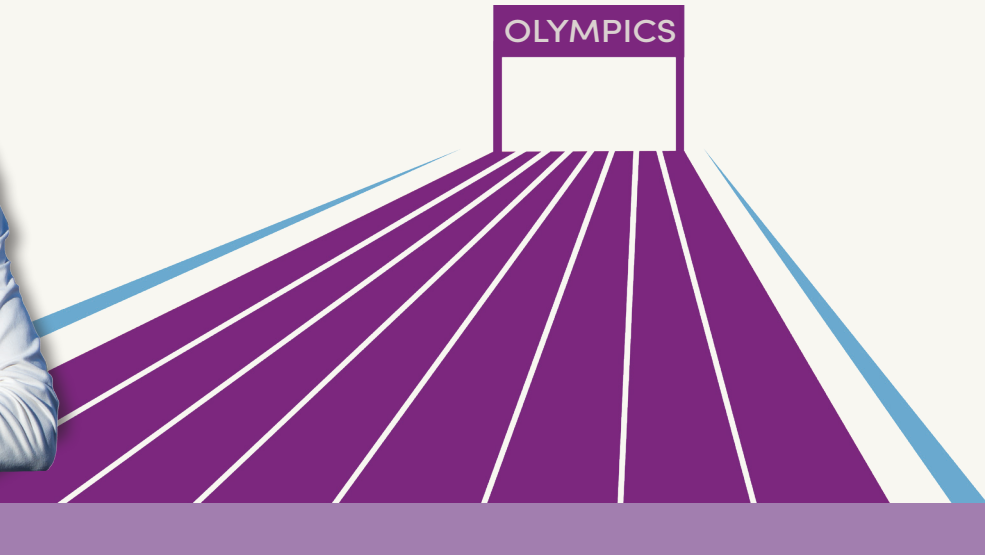
*“I'm sure that anyone considering a house move will find everything they need to help them move on our new site*

*including some useful information on buying and selling in Scotland and insights on the property market. ”*

We've ensured that our site is fully accessible by incorporating Recite Me software, which is designed to make sure that people who cannot access web content easily are able to read and navigate it with ease.

We've also made it simple for people to request a free valuation of their property or sign up for property alerts when a new property comes on to the market.

# A *running* start for 2020



## Eilish's tracks to Tokyo

Even just reading about athlete Eilish McColgan's 2020 is enough to make you breathless. She kicked off in style with convincing wins in her first four races. Starting on 1 January with a race in New York's Central Park, she then ran further races (and won) in Bermuda, and is targeting a place at the Tokyo Olympics with training camps in Kenya, Switzerland and Arizona, and races in Netherlands, the UK, Sweden and Italy. We wish her the best of luck with her training - it's a pleasure to sponsor her and follow her progress as she targets success in Tokyo.



Senior Women's Race Winner: Mhairi MacLennan, Inverness Harriers AAC

## lindsays SCOTTISH CROSSCOUNTRY SEASON

### Lindsays staff stage a volunteer takeover at Falkirk parkrun.

It's not just the runners who make a race, it's the people who help. On the morning of the Lindsays National XC in Falkirk on 22 February, Lindsays staff did a (friendly) takeover at the Falkirk Parkrun, also at Callendar Park. Congratulations to our team of volunteer timekeepers, barcode scanners, marshals and funnel managers who supported runners on the day.

### Not quite the Olympics, but still a great day in the scottishathletics calendar is the Lindsays National XC, in Falkirk's Callendar Park in February.

This year's meet delivered another PB, with record entry numbers of 2,460. We also added a new event, the Lindsays Masters XC Champs.

We recently extended our sponsorship of the scottishathletics Cross Country Season for another four years. Cross country has a positive impact in local communities across Scotland thanks to the commitment of clubs, their supporters and members, and we're delighted to play a part in that.



Lindsays staff brave the weather as parkrun volunteers

Falkirk parkrun competitors



# Don't let fallouts spoil your ambitions

Businesses involving family and friends are vulnerable to fallouts and relationship tensions. But there are steps you can take to avoid deadlock

The film *The Social Network* may be a few years old now, but it's still a good watch for anyone in business. Its depiction of the rise of Facebook, and the fallout between co-founders Mark Zuckerberg and Eduardo Saverin, brings to life the problems that arise when relationships between entrepreneurs break down. You don't need to be a would-be tech billionaire to learn from *The Social Network*. Disputes among shareholders arise in

a number of ways, with typical reasons including:

- disagreements over the direction of the business
- resentment that some are not doing their share of the work
- personal issues that affect the business relationship
- the death of a key shareholder and the requirements of their executors.

*“Have a shareholders’ agreement or some other measure designed to avoid deadlock.”*

Disputes often become further inflamed when the parties do not take advice early about their legal rights or understand the various options for moving forward. And in businesses involving family (or friends), there are additional risks: that relationship tensions fuel the dispute, or that the dispute destroys relationships. The classic, worst-case scenario shareholder dispute in smaller businesses is where two shareholders

(or groups of shareholders), with equal shareholdings, have a bitter fallout or reach deadlock without having any mechanism to break it. This can scupper the future of the business.

To prevent this happening you have three main options, summarised below.

## Focus on prevention

Recognise that prevention is better than cure, and have a shareholders’ agreement or some other measure designed to avoid deadlock. Don’t overlook this when setting up a company, however close you are to other directors or shareholders.

## Use what you have

If you are already involved in a dispute, or one flares up, check any shareholder agreements or articles you have in place. They may contain a process for resolving the issue.

## The last resort

In the absence of a process or mechanism, it may still be possible to find a way through. A number of dispute resolution options are available, and negotiation or mediation often offer better routes to resolution than going to court.

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# Want to know *the next big thing* in selling homes?

Conditional sales – for example ‘subject to purchase’ – may be the way to get the market moving

The residential property market may not be the first place you look for fashions and trends, but they apply here as much as anywhere.

In Edinburgh and the Lothians, in the past couple of years, we have seen an increasing number of purchases being ‘subject to sale’. This involves a buyer placing a condition that they must sell their own property before the transaction can conclude.

*“The safety net of being able to withdraw from the sale if they are unable to find a suitable property to buy inevitably means they are more relaxed about selling.”*

The strategy is most common amongst families and downsizers, who generally want to move but do not have to move and for whom a purchase only works if there is also a sale.

## A market blocked up

The ‘subject to sale’ trend is strong in Edinburgh because of market uncertainty about supply. Owners are wary of selling their current property because they are nervous about being unable to buy a suitable replacement property from the limited options available.

This is a vicious circle that is gumming up the market, particularly for second – and third-time buyers. So, how can buyers, sellers and estate agents help to unlock the market?

At Lindsays we see the possibility of a new clause entering the tactical toolkit: a sale ‘subject

to purchase’. This would be a case of a seller – most likely a downsizer or a family – listing their property and securing a sale conditional on them making a successful purchase.

## A market unlocked

When people know they have the safety net of being able to withdraw from the sale if they are unable to find a suitable property to buy, they will inevitably be more relaxed about selling. If others behave in the same way, the vicious circle becomes a virtuous circle.

This solution will not be for everyone, and we will still see plenty of sales and purchases unlinked to another transaction. But for this particular section of the market, stuck by a lack of supply, ‘subject to purchase’ could be the key to unlock the door.



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# Is a *Living Will* the same as a Power of Attorney?

There's often confusion over whether these are one and the same. Both provide reassurance and clarity but they do so in very different ways

As people live longer, more of us are facing questions about what will happen when we, or our relatives, can no longer look after ourselves. Many people are already grappling with this issue – around 20,000 new cases of dementia are diagnosed each year in Scotland alone.

Both Powers of Attorney (PoAs) and Living Wills (also known as Advance Medical Directives) are helpful to families when someone becomes seriously ill, but it's important to understand the differences between them.

## Powers of Attorney

A Power of Attorney is a legal document in which you appoint a trusted person (or people) to manage your affairs if you cannot do so yourself. There are different types of powers you can give:

- Financial and administrative powers, allowing the attorney to manage practical aspects such as dealing with banks or property.
- Welfare powers, allowing them to make decisions about medical treatment or care.

You can appoint the same person for both or ask different people.

*“Powers of Attorney and Living Wills are different, but they are not ‘either-or’ and both prevent difficult situations becoming far, far worse.”*

## Living Wills

A Living Will sets out what medical treatment or care you want to receive if you lose capacity and can no longer communicate this yourself. For example, you could specify that you do not want to be put on a ventilator.

Unlike a Power of Attorney, a Living Will does not appoint a person to manage your care going forward, and it does

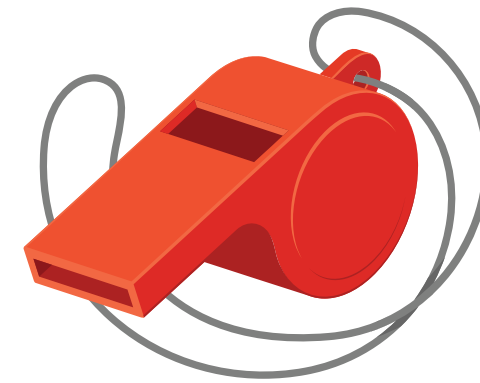
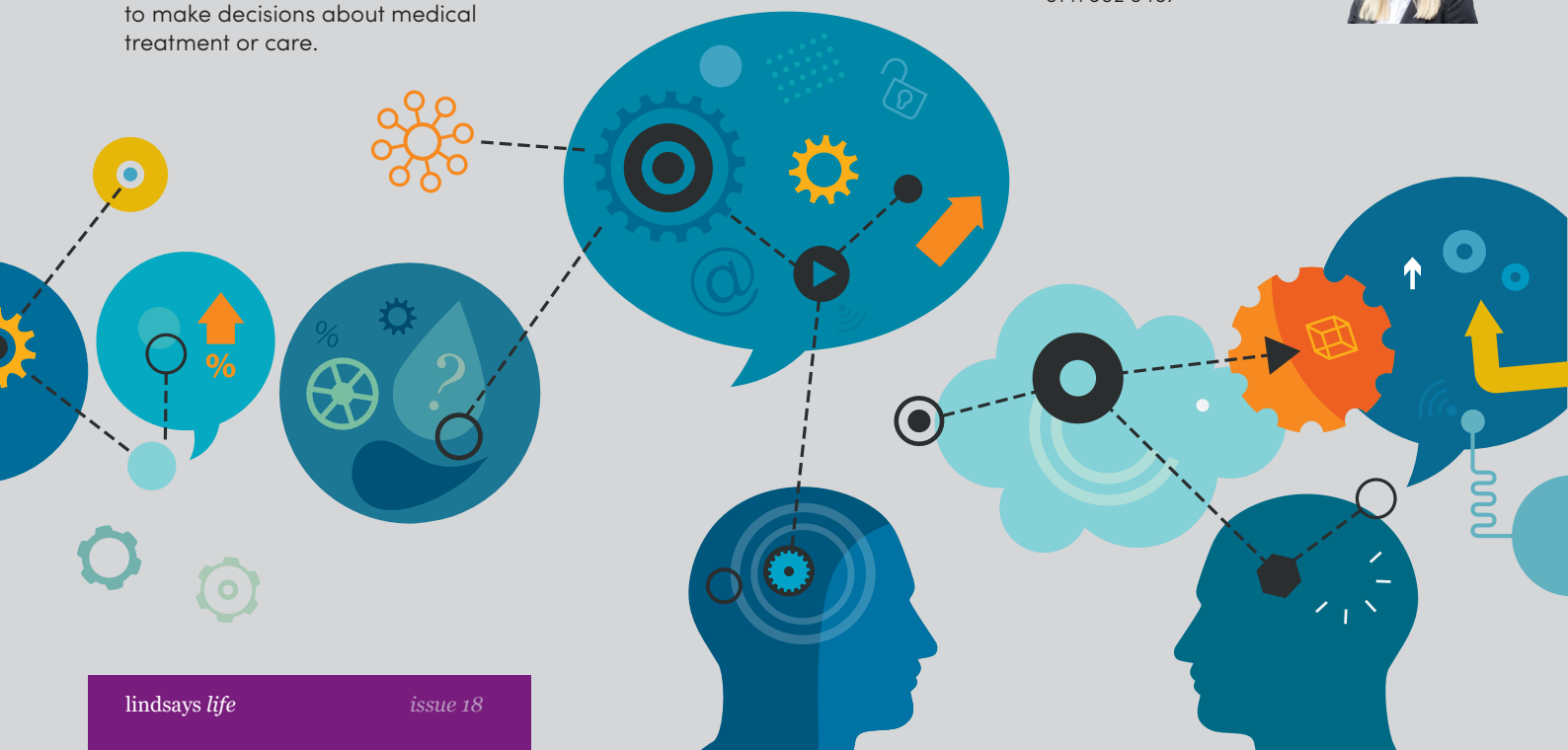
not cover financial aspects. And a Living Will is not legally binding in Scotland.

In these respects, Living Wills have clear limitations, but they still have important uses. For example, healthcare professions must still take into account any wishes you express in a Living Will.

In addition, it is helpful for family and friends (and welfare attorneys) to know your wishes, and this can help prevent damaging family arguments about whether, for example, you would wish to be resuscitated.

Thus, Powers of Attorney and Living Wills are different, but they are not ‘either-or’. Neither takes away the anguish of someone losing capacity, but both prevent difficult situations becoming far, far worse.

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# The hidden dangers of head injuries in sports

With awareness growing of the risks of head injuries in different sports, what should you expect from teams, clubs and governing bodies?

Sports like rugby already recognise the need to assess and treat head injuries with care. But in other sports too – football, hockey, cricket, even cheerleading – their is rising awareness of the importance of having protocols to deal with concussion injuries.

Recent football association guidelines banning children from heading the ball in training also illustrate unease around the risks of head injuries or degenerative brain disease.

## The dangers

All injuries to the head are significant. At the minor end of the spectrum, concussion can lead to headaches, drowsiness and loss of balance. But any head injuries, however insignificant they appear initially, can lead to more serious conditions such as dementia, epilepsy, paralysis and, even, death.

*“The majority of head injuries involve no loss of consciousness.”*

Recognition of a head injury is relatively straightforward in cases where the

victim has lost consciousness. However, the majority of head injuries are ones where there is no loss of consciousness but rather a transient loss of alertness and/or a brief period of post-traumatic amnesia.

The latest protocols for dealing with concussion injuries, particularly in sports such as rugby and football, are designed to identify the extent of the injury sustained as early as possible, and to take the appropriate steps to minimise the risk of both short term and long-term effects. An early diagnosis of the injury is critically important.

## The obligations on teams

There is an obligation on any team in charge of its players (and indeed the governing body of the sport) to ensure that:

- the appropriate protocols are in place
- those in charge of the game completely understand when such protocols should be used
- all personnel use them as quickly and correctly as possible.

Unfortunately, not all those in charge

of the welfare of players are aware of their responsibilities. That needs to change.

Here at Calio Claims, we're enthusiastic fans of many different sports, both as participants and spectators, so don't let us frighten you away from taking part. But we'd encourage you to understand head injuries, and the protocols for dealing with them, and to ensure that any teams or clubs where you or your family play are aware of their responsibilities.

In addition, if you think you may have a claim on the basis that appropriate treatment was not provided in the correct timescale, or that protocols were not followed, we would be happy to discuss it.

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# Rural life: the ground rules are changing

Climate change is bringing opportunities as well as challenges for farmers and rural communities. Make sure you understand how the land lies

One of the great myths about the countryside is that life moves more slowly than in urban areas. But anyone who owns or manages rural land will know (or should know) this simply isn't the case.

The pace of rural change is breath-taking these days, certainly in Scotland.

Already in recent years, our rural clients have faced major changes such as land reform and the rules on letting private residential property. 2020 and beyond will bring fundamental changes to the way land is used and managed.

This led Savills to raise the possibility last year that a third of UK land use could change by 2050, with large areas of agricultural land being 'released' for woodlands, renewable energy or environmental adaptation.

*"There will be day-to-day impacts for anyone who manages land."*

That assessment came before a series of other major developments – such as Greta Thunberg gaining global fame, Scotland's First Minister declaring a 'climate emergency', and Brexit. These will only increase the likelihood of changes to land use.

## The upsides

Certainly, the coming years will bring challenges around meeting national goals for climate change mitigation and adaptation but there are upsides and opportunities too.

For instance, leasing land to wind farms is already bringing additional income to farmers, and should continue to do so. This is often the case with hill sheep farms, which use more traditional methods of farming and are potentially less profitable.

There are also opportunities in woodlands. For Scotland to reach its target of net zero emissions by 2045, increased tree planting will be required, and firms are paying landowners to create woodlands to offset their emissions.

This creates new revenue opportunities in areas previously regarded as

remote or unproductive, and since longer rotation lengths for woodlands may allow more carbon to be sequestered, there are opportunities for new approaches to woodlands management.

## Real-life change

Climate change may be a global issue, but in the Scottish countryside, it's certainly not confined to politics or dinner-table debates. There will be day-to-day impacts for anyone who manages land – new subsidies to claim, revenue streams to identify, rules to comply with, and contracts and obligations to negotiate.

Rather than muddle through and potentially make mistakes (or miss opportunities), it's best to take advice.

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# Planning to *escape the job* this year?

If you are on a countdown to retirement, or newly retired, follow these simple steps to protect yourself and your loved ones

This year, around half a million people in the UK will reach State pension age. It's safe to assume the vast majority of them will retire. In addition, a large number of other people will take early retirement, or start the countdown to retiring in 2021.

This means there are probably around a million people in the UK with retirement on their minds. Most will be thinking about the financial aspects of retirement, which is sensible. But there are also important legal issues to consider at this stage of life (or preferably before).

## Make a Will

The number of otherwise sensible people who 'haven't got around' to making a Will is staggering – well over half of UK adults don't have one.

We say 'otherwise sensible' because not having a Will could mean your partner, other relatives, or children from previous relationships, your friends or a charity miss out on property you want them to have.

You could also be leaving them a legacy of long-running legal disputes, expense and distress. By making a Will, you can help protect them from all this.

*"There are probably around a million people in the UK with retirement on their minds and there are important legal issues to consider."*

## Appoint a trusted attorney

Around 40-50% of us will suffer a period of incapacity in our lifetimes. If this happens, and you don't have a Power of Attorney, your family may be unable to carry out the simplest of tasks – such as paying bills.

They may also be unable to make important decisions about the care you receive or how it is funded. Instead, they would need to go to court to get a guardianship order, a process that can take months.

Having a Power of Attorney should avoid this scenario. Clients sometimes ask us if a 'Living Will' offers the same protection as a Power of Attorney – the article on page 12 explains some important differences.

## Take advice on the small print

Many of the decisions you make in later life – from pension decisions to planning for care – come with significant paperwork attached.

Rather than just sign on the dotted line, it's useful to have documentation checked. For example, a contract for equity release or the terms and conditions of a care home could land you with long-lasting financial consequences if you are not careful.

With this – just as with Wills and Powers of Attorney – prevention is usually cheaper and easier than cure.



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# News from *lindsays*

We're delighted to announce that from 1 April 2020 we have two new partners at Lindsays, following our latest round of promotions. They are Lauren Pasi and Darren Leahy.



Lauren is based in our Personal Injury team in Glasgow, and joined us in February 2017, rising rapidly from senior solicitor to associate to senior associate. She litigates a wide range of personal injury cases, including road traffic accidents, accidents in the workplace, public and occupier liability cases and medical negligence. She deals with actions raised in the Sheriff Court and the Court of Session.



Darren works in our Commercial Property team, in Dundee, and joined Lindsays as a solicitor when we merged with RSB Macdonald in July 2015. He supports clients on a wide variety of commercial purchases, sales and commercial leasing, and also has extensive experience in all types of residential property transaction.

Commenting on their promotions, Alasdair Cummings, our Managing Partner, said:

“Investing in and developing our people is always at the forefront of our minds at Lindsays because it’s an investment in our clients’ future as well as our own. We’re delighted to recognise Lauren Pasi and Darren Leahy’s hard work, expertise and talent, and wish them every success in supporting individuals and businesses in the future. We’re proud to have them – and the rest of our excellent team – on board.”

## A warm welcome to our *new colleagues*



Harriet Grant - Solicitor  
Private Client Services  
Dundee



Katherine Irvine - Associate  
Employment  
Edinburgh



Laura Milne - Assistant  
Property manger  
Estate Agency, Dundee



Victoria Willan - Solicitor  
Commercial Property  
Glasgow

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