



Newsletter



DEVON & EXETER
LAW SOCIETY

www.devonlawsociety.org.uk

DELS NEW LOOK WEBSITE IS LIVE AT

www.devonlawsociety.org.uk

ONLINE EDITION

JANUARY 2004

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**Devon & Exeter
Medical Society**

E-Mail: mail@devonlawsociety.org.uk

Tel: (01392) 411585

Fax: (01392) 431511

DX: 8361 Exeter

Registered Office: Renslade House
Bonhay Road
Exeter
EX4 3AY

Honorary Secretary: Anthony Spiers
Administrator: Monique Bertoni
Membership Services Manager: Tony Steiner

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everybody talking"

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DELS ANNUAL DINNER

Open to Members and their Guests Only

Friday 13th February 2004

Details and Booking form available in the Download Area of DELS Website

AN AUDIENCE WITH MICHAEL MANSFIELD

at the Northcott Theatre, Exeter on Sunday 15 February 2004 at 19h30
in aid of Victim Support Devon

Tickets at £15 each from the Box Office 01392 493493

DELS GOLF DAY

It is planned to resurrect the DELS Golf day for members and guests. This will take place in late Spring/ Early summer. Paul Keeling has handed over responsibility to Edward Richards, the list of playing members is a little out of date and therefore if you are interested in this event please contact Edward and full details will be sent out nearer the time.

Email Edward.richards@hooperwollen.co.uk tel: 01803 213251 fax: 01803 329550
Hooper and Wollen DX 59204 Torquay 2

ANNUAL GENERAL MEETING

The Society's Annual General Meeting will be held on **Tuesday 20th April 2004** at **The Exeter Court Hotel, Kennford, Exeter, at 6.00 p.m.**

Guest speaker to be confirmed.

Would members please make a note of the date and time in their diary now. The Agenda and copies of the various reports will be circulated to the membership with the March Newsletter. The format will be a short business meeting followed by a members' dinner.

YOUR COMMITTEE

Nominations are invited for the General Committee of the Society. The Committee consists of the Officers of the Society (President, Vice President, Junior Vice President, Honorary Treasurer and Honorary Secretary) together with "our" member of the Council of The Law Society, Chairmen of all Committees and Sub-Committees.

In addition, there is a maximum of 40 elected members as well as any co-opted member. All must be members of the Society. The Committee endeavour to ensure that there is co-opted to the Committee each year a solicitor employed full time in local government, a representative of the Devon Young Solicitors Group, and a solicitor employed full time in the Crown Prosecution Service if no such solicitor is an elected member of the Committee.

In the year 2003/2004 there were 10 elected members of the Committee in addition to the Officers of the Society and any co-opted members. Members of the Society are entitled to nominate to the Committee any qualified member of the Society to serve on the Committee.

The Solicitors' profession is subject to many proposals for change and reform that will especially affect the careers of DELS younger members. Unless you are willing for others to set the future agenda you should make your views known. DELS Committee is the local forum for this.

The Committee needs more younger members to help mould the future of the profession. Devon & Exeter Law Society is highly regarded and its views are listened to at Chancery Lane. If you want to help shape the future start by completing the nomination slip herewith.

A form of nomination will be found below and this should please be returned to the Honorary Secretary by no later than:

5.30 pm on Friday 30th January 2004.

To: J A Spiers Esq,
DELS Honorary Secretary,
Suite 5, Renslade House,
Bonhay Road,
Exeter EX4 3AY

[DX 8361 EXETER]

I wish to nominate

.....

of

.....

For election to the General Committee and I confirm that the nominee is willing for his/her name to go forward.

Signed

.....

Address

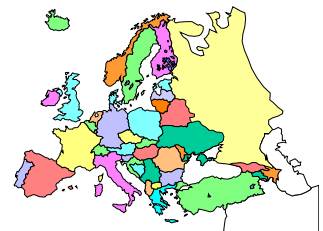
.....

Year of Admission of Nominee

**Please return this form by
Friday 30th January 2004**

REMEMBER

DELS can provide
Personal
Introductions
to Lawyers in
Mainland
Europe
Ring Monique on
01392 411585



DELS NEW MEMBERS

We welcome

Selina Childs

Boyce Hatton, Torquay

Lori Evans

Stones, Exeter

Stephen Hankin

Bond Pearce, Exeter

Lynda Hodgson

Ford Simey, Exeter

Isobel Ann Hollingbury

Gowmans, Paignton

Sarah Izzett

Everys, Ottery St Mary

Susan Jury

Rundle Walker, Exeter

Andrew Knox

4 Law Solicitors, Exeter

Angela Maxwell

Woollcombe Beer Watts, Exeter

David Scarrott

Harold Michelmores & Co, Newton Abbot

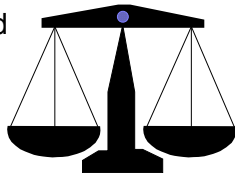
Stephen Wyeth

Boyce Hatton, Torquay

DISTRICT JUDGES CORNER

The New Court – Will it become a Care Centre?

Hopefully we shall have moved to the new Court by this time next year. The new Court has been designed to a high standard and will be suitable for use as a care centre if a business case can be made out for this. I imagine that many applications that could otherwise be heard in Exeter are currently being issued in Taunton or Plymouth but we do not have the data to support this. This is where local practitioners handling public law cases could be most helpful. I would like to set up a meeting early in the New Year to discuss the way forward. Would all interested practitioners please contact me by letter or by telephone as soon as possible.



Exeter Combined Court Centre
The Castle
Exeter
EX4 3PS
DX 98440
Exeter 2
(01392) 210653

District Judge Crosse

COUNCIL MEMBER'S REPORT

Although on this occasion my Report will be brief, it contains news of two Rule changes that are of fundamental importance and will affect how we practise in the future.

1. To begin with, however, I will mention briefly the Law Society's Corporate Plan for 2004-2006. The Society's "high level" objectives are as follows:
2. To provide leadership and support to enable the profession to embrace change.
3. To improve the quality of services provided by solicitors to consumers by setting, maintaining and enforcing high standards of training, professional development and practice.
4. To deliver an effective consumer complaints scheme.
5. To maximise the relevance and effectiveness of our services to the profession.
6. To increase public confidence in the Law Society's regulation of solicitors and improve public perception of solicitors as providers of high quality legal services.
7. To increase our influence in the development of law and legal services policy in the public interest, aiming to maximise access to justice for all.

The corporate plan then goes on to set out a number of sub-objectives which explain how the high-level objectives will be achieved coupled with detailed performance targets.

Fee Sharing

At its meeting in October the Council decided in principle to ease the current ban on fee sharing so as to permit solicitors to share fees with third parties who, in return, may provide capital and/or services to the solicitors' practice. At its meeting in December the Council approved detailed rules which will bring these changes into effect subject to the concurrence of the Master of the Rolls.

The existing Rule 7 has been relaxed so as to give practitioners greater freedom of choice as to the methods available to fund their practices or to pay for services provided to their practices. The amended Rule allows practitioners to enter into agreements with third party non-lawyers which

provide that, in return for the third party making available capital and/or a service to the practitioner, the solicitor makes payment to the third party by reference to a percentage of the solicitors' fees.

Referral Fees

At its meeting in October, the Council voted to retain the current ban on the payment of referral fees. I reported on that debate in my contribution to the November Newsletter. The issue was brought back to Council in December by way of "Member's Motion". After further debate, the Council voted by a narrow majority to relax the ban. Subject to some fine tuning and subject also to the concurrence of the Master of the Rolls, a solicitor will be able to make a payment to a third party in relation to the introduction fee in the following circumstances:

1. A solicitor may make a payment to a third party introducer only where immediately upon receiving the referral and before accepting instructions to act he provides the client with all relevant information, concerning the referral and, in particular, the amount of any payment.
2. The solicitor must also be satisfied that the introducer:

Has provided the client with all information relevant to the client concerning the referral before the referral took place and, in particular, the amount of any payment, and

Has not acquired the client as a consequence of marketing or publicity or other activities which, if done by a solicitor, would be in breach of any the Solicitors' Practice Rules and in particular by "cold-calling", and

Does not, under the arrangement influence or constrain the solicitor's professional judgment in relation to the advice given to the client.

In relation to both Fee Sharing and Referral Fees the Rules and accompanying notes for guidance are detailed and should be read carefully. The above is only a synopsis. I do emphasise that the new Rules have not yet been approved by the Master of the Rolls and are not yet in force. 2004 is destined to be a busy, interesting year for the Council in preparing for and responding to the

review of the framework for the regulation of legal services being undertaken by Sir David Clementi. Sir David has indicated that he is likely to issue a Consultation Paper in the first quarter of 2004. His report is expected to be published in December 2004.

I hope that you have all had a very happy Christmas and will have a prosperous and successful New Year.

Christopher Palmer
Council Member

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Pastoral Care Portal

ARE YOU EXPERIENCING PERSONAL OR PROFESSIONAL PROBLEMS?

**If so, you do not have to do so alone.
Support groups exist to assist you.**

For confidential help ring

0800 328 4203

- Solicitors Assistance Scheme
Advice ref. professional / personal difficulties
- Solicitors Benevolent Association
Living expenses support for Solicitors & their dependants
- LawCare
Support ref. personal / alcohol / addiction / stress problems
- Young Solicitors Group
Assistance to Young Solicitors, up to 10 years ppe
- Trainee Solicitors Group
Assistance for Trainees, Junior Paralegals & Students
- Black Solicitors Network
Advice for black / Afro-Caribbean Solicitors
- Solicitors' Sole Practitioners Group
Support for sole practitioners
- Association of Women Solicitors
Advice / re – training / mentoring / maternity issues for women solicitors
- Group for Solicitors with Disabilities
Assistance for trainees and solicitors with disabilities
- Solicitors in Local Government
Assistance for local government solicitors
- Commerce and Industry Group
Assistance for in – house solicitors

VALUATION OFFICE AGENCY

Non Domestic Revaluation 2005

Every non-domestic property, the majority of which are occupied by businesses, has a rateable value that is assessed independently by the Valuation Office Agency in England and Wales. The VOA has a statutory duty to review rateable values every five years; the last revaluation took place in April 2000 and the next is due to come into effect in April 2005. In broad terms the rateable value is a professional judgement of the open market annual rental value of a property at a fixed date. Using the same date (1 April 2003 for the next revaluation) means that all properties have rateable values assessed on the same basis.

Rateable value is a key factor in the calculation of business rates. Rateable value is not the amount of rates to be paid, it is a figure used in the calculation. The amount of rates to be paid is based upon the rateable value of the property multiplied by a factor (the national non-domestic rate multiplier) set by Government. Reliefs or other adjustments, including transitional relief, may also affect the rate bill. Because of these other adjustments, an increase or decrease in rateable value may not automatically lead to a larger or smaller rate bill. Local Authorities are responsible for calculating rate bills and collecting rates.

The VOA has introduced a number of initiatives to modernise the revaluation process. It is working closely with ratepayers and their representatives to improve the transparency of the system; to make sure it is as easy as possible for relevant property information to be collected by the VOA and to assist in ensuring that the new rating assessments are right first time and easily understood by ratepayers.

Website: www.voa.gov.uk

Statement from VOA

It is understood that some "advisers" are offering to prior agree business rate assessments with the Valuation Office Agency (VOA) for the forthcoming revaluation of non-domestic properties due to come into effect on 1st April 2005. Whilst the VOA is keen to extend the limited amount of prior agreement that has taken place in the past, it is not possible in the time available to prior agree other than a relatively small number of the new assessments relating to the 1.75 million commercial properties in England

and Wales. Decisions have already been taken on the identification of the assessments, usually relating to very specialised, high value properties, that the VOA will try to prior agree, and it is highly unlikely that additional properties can be considered.

If a ratepayer is approached by an individual or firm offering to prior agree their new 2005 rating assessment, care should be taken to ensure that the individual or firm concerned does indeed contact the VOA to see whether such prior agreement is possible.

There is a risk that some unscrupulous individuals or firms may seek to use the forthcoming revaluation as an opportunity to attempt to fraudulently mislead ratepayers into paying for a service, i.e. prior agreement of rating assessments, that they have no intention, or opportunity, to provide.

If ratepayers are in any doubt over this, they should contact their local Valuation Office for advice. The number is **01392 606900**.

COMBINED MEETING WITH DEVON & EXETER MEDICAL SOCIETY

Thursday 11th March 2004

Further Details and Booking Form in the Downloads section of this site until 5.3.04



DELS ANNUAL DINNER

**Friday 13th February 2004,
The Palace Hotel, Torquay.**

Speakers:

Nicholas Purnell QC

(who represented Lord Jeffrey Archer)

Kevin Martin,

Deputy Vice President of the Law Society