



04 Personal injury

As a Personal Injury expert Robert accepts that his chosen career path may not make him a favourite on the dinner party circuit. However, away from the media hype, there are many people who have genuine claims and whose lives have been changed overnight as the result of an accident caused by some degree of negligence. Far from being trivial claims launched in the hope of making a few thousand pounds, these are clients whose lives have been by an incident that wasn't their fault. As such, they deserve proper compensation and rehabilitation to help them rebuild their lives.

Cases could be a result of a road accident, an injury or illness contracted at work or on holiday.

The sorts of cases Robert sees have resulted in substantial loss of income,

disruption of family life, severe physical, emotional and mental damage and not unusually, long term financial loss. Frequently, the victim will need intensive specialist care. They may have suffered a catastrophic brain injury, for example, or an accident where the claimant has been left seriously physically disabled.

It's often not about the money as such but more about regaining quality of life. Far from walking off into the night with a large cheque clients spend their award on recovery and rehabilitation – which doesn't come cheap.

The vast majority of clients who come to see us have genuine cases and Robert is always happy to sit down and talk through their situation but will advise them very quickly if he thinks they don't have a legitimate claim.

For anyone considering a claim Robert has some good advice. "First, always consult a solicitor. The Claims Managers who you often see advertising anyway so it'll save you time and money to cut out the middleman.

So far from being a dinner party guest you wouldn't want to sit near Robert, and many of his clients are convinced that Law Firms like Barr Ellison with Personal Injury experts like him provide an invaluable service to genuine clients. "We're a small but vital cog in the big wheel of recovery and rehabilitation."

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01 Employment matters

New legislation recently enacted will have major implications for companies and their staff. Rules governing parental rights, flexibility at work, and length of holidays have all changed under The Work and Families Act 2006.

Employers should note that many of the maternity provisions apply to adoption as well. Turning to paternity, it is proposed that by the end of this parliament, fathers may be entitled to take any unused leave which the mother hasn't taken.

For babies born after April 1st 2007, all mothers will be now entitled to twelve months maternity leave rather than six. Additionally, statutory maternity pay (SMP) will be paid for nine months rather than six. The principles of that won't change, with 90% of salary being paid for the first six weeks and SMP for the remaining seven and a half months.

Employers need to be aware that employees who have just joined companies won't have to serve a qualifying period before they are entitled to additional maternity leave. A woman who was already pregnant when she joined, would be entitled to a year's maternity leave straight away.

Points to take into account

- 01 New parental legislation came into force on April 1st this year
- 02 All new mothers benefit from a potential extra six months of leave, taking the total possible leave to 12 months
- 03 Statutory maternity pay has also been extended from six to nine months
- 04 Any mother wanting to come back sooner will have to give eight weeks' notice

- 05 New Keeping In Touch days will allow those on maternity leave to keep up to date with what's happening in the company
- 06 There are no longer exemptions for employers with fewer than five employees.
- 07 The right to request flexible working hours has been extended to employees with adult dependents
- 08 Statutory annual holiday is increasing to 28 days.
- 09 These extra days will be phased in by October 2008



02 HM Revenue & Customs Offshore Disclosure Facility (Tax Amnesty)

You may well have seen suggestions in the press over recent months that HM Revenue & Customs (HMRC) was about to announce an amnesty, or something similar, for people with undeclared offshore accounts. This speculation arose from HMRC having won a case which resulted in the major UK banks being required to supply HMRC with details of offshore accounts held by individuals living in the UK.

On 17th April HMRC announced their so-called "Offshore Disclosure Facility" (carefully avoiding the use of the word "amnesty") inviting taxpayers - be they individuals, Trustees or Limited Companies - who have not made a full declaration of their income, profits or gains in relation to offshore accounts or assets to come clean by making a full declaration of previously undeclared income and gains and with a guaranteed penalty, in addition to the tax and interest, of only 10% of the tax due.

Although this facility is specifically intended only for people with offshore income or assets, HMRC have also said that a similar parallel procedure for dealing with the reporting of previous under declarations which do not have any offshore connections will be available and with the same fixed penalty of only 10% of the tax due.

Ordinarily, the penalty applied to previously undeclared income and gains would be a matter for negotiation with HMRC and would typically be approximately 30% or more of the tax due,

depending upon the circumstances of the case. HMRC have indicated that those with previously undisclosed income/gains who choose not to make use of this facility but for whom they possess information provided by the banks or others, will eventually face an investigation into their tax affairs - sometime after 30th April 2008 - and that such an investigation will be rather more rigorous than the procedure offered by this facility, with 30% probably being the minimum penalty applied.

This facility will be available for only a limited period of time and there is a set procedure and a tight timetable. A notice of intention to disclose must be made by 22nd June 2007 and a full disclosure made of all tax evasion (with payment of the total amount due in respect of tax + interest + the 10% penalty) by 26th November 2007. Full details of the facility can be found on the HMRC website at <https://disclosures.hmrc.gov.uk>

Although it is appreciated that most taxpayers are honest and pay all of their tax, for those with previously undisclosed income or gains (be it offshore or not) this is a one-off opportunity to come clean and to settle outstanding liabilities by way of a streamlined procedure and with some degree of certainty that provided a full and complete disclosure is made penalties will be 'capped' at only 10% of the tax due.

Barr Ellison has considerable experience of dealing with all types of Tax Investigations and if you would like to discuss this matter or any other aspect of your tax affairs please contact our Tax Manager Jeff Harrison for an informal discussion on a no cost, no obligations basis.

03 NDAs can protect your ideas

Everyday, many of us come up with new ideas for businesses or inventions. Often, these ideas disappear without trace, but, just occasionally, they take root and flourish into something real.

Unless you happen to be an extremely rich genius however, at some point you're going to need funding and/or business partners to help develop the product or idea and bring it to market.

It is at this point, understandably, that people get nervous. Particularly if they believe they have a world beating notion on their hands, or they have spent lots of time and money getting it to the stage when it is ready to be shared, the last thing they need is for a potential investor or business partner to run off with the idea and claim it as his own.

If this is the case, then a Non-Disclosure Agreement (NDA) could be the answer.

NDAs are legally binding documents that govern how and on what terms two parties share confidential information. Typically, they provide that one party agrees to disclose information to another for a specific purpose, and in return, the "receiving party" agrees not to disclose that information to anyone else.

An NDA can help to ensure that the idea remains confidential and in this day and age, confidentiality is crucial, as Ed Bailey, a commercial law specialist with Barr Ellison LLP, explains.

"Apart from the obvious advantage of not letting a third party benefit from a business idea, entering into a relationship of confidentiality with a company or individual can be very important where an idea or invention could be patented.

"However good an invention may be, if an inventor discloses it in enough detail to any person, he could lose the ability to obtain a patent - unless the disclosure is made in confidence.

"As well as patent protection implications, an NDA also imposes legal obligations on the parties to the agreement, as any party who breaches the agreement by disclosing confidential information may be sued for damages. Equally, if a party uses the disclosed information for his own gain, for example, by copying the idea and profiting from it, he may be bound to repay those profits to the party who had the original idea."

NDAs have a wide range of applications and you should consider using them with all individuals or organisations that may be helping you to get your idea off the ground, such as investors, consultants, manufacturers and re-sellers. NDAs can be used to cover trade secrets (ideas, formulae or processes) business plans, software applications, drawings, designs and contact lists.

Once signed, there are some practical steps you can take to increase your protection under an NDA.

- Always keep copies of NDAs you have entered into.
- Make sure the party you wish to talk to knows you intend to use an NDA early on. Do not be afraid to stop your initial meeting if the other party is not prepared to sign the agreement.
- If you decide to use off-the-shelf NDA agreements, always get them checked by a solicitor to make sure that the agreement is relevant to your particular circumstances.
- Always make a record of the information you disclose about an idea or invention and about who is present when you make the disclosures.

Your idea could be worth millions. Do not let someone else take the credit.

For more information, contact Ed Bailey at Barr Ellison LLP on 01223 417200