AUTUMN 2021
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SHAKESPEARE MARTINEAU

LIFE TIMES

MARRYING FOR MONEY...

"Predatory marriages" can leave a family not only grieving the loss of a loved one but feeling hurt and betrayed.

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As the world gets back to a semblance of normality, peoples personal lives continue and if the past 20 months has shown us anything it'll be that we shouldn't take anything for granted.

Wealth planning is as important as ever - getting the right advice can ensure you are providing for yourself and your family long into the future and will give you peace of mind. And for the things that really matter, like your family, our teams are on hand to advise and support you through whatever your future holds.

In this edition of Life Times, we discuss arbitration as a route to successful negotiations, predatory marriages, is inheritance a gift or a curse and forged and disputed wills and much more.

For any further advice do contact one of our expert team.

Victoria Tester
Managing Director
Life and Business

No fault divorce - A further delay

Ministers have announced that the Divorce, Dissolution and Separation Act 2020 will come into force on 6 April 2022, allowing married couples to divorce without assigning blame or fault.

This follows the royal assent of the Divorce, Dissolution and Separation Bill (commonly referred to as the no-fault divorce bill) on 25 June 2020. The news that no-fault divorces are to become law will lead to a sigh of relief for many. Although a long time coming, the latest announcement does mean that the UK is one large step closer to ending unnecessary mud-slinging and allowing couples to divorce with dignity.

How will no-fault divorce work?

The announcement means that couples will no longer have to agree to be separated for two years, or have proof of their partner being at fault, in order to file for divorce. Only one person needs to desire the divorce, and their spouse will not be able to refuse the application.

Being able to apply for a no-fault divorce will spare couples the emotional stress and strain of finding blame for an unreasonable behaviour petition or when they can't, or don't want to, wait two years to divorce on the grounds of separation or five years if they do not have the consent of the other spouse.

It should be noted that under the new law, the statutory timeframe means that a divorce cannot be concluded in less than 26 weeks. Although it is possible for this to be shorter under the current law, it is still unusual for it to be less than four months, not including the time taken to resolve financial claims. As a result, the overall timeframe of the new system will be largely in line with the existing one. Plus, a fixed timeframe allows parties to reflect on whether the decision to end the marriage is the right one.

What has caused the delay?

Following the tireless campaigning of family lawyers, the government has spent a significant amount of time over the past few years trying to make the divorce process simpler.

The Divorce, Dissolution and Separation Act receiving Royal Assent was a real breakthrough moment, with many hoping no-fault divorce would come into play by early 2021 at the latest. However, following delays, the act will now come into force on 6 April 2022. We understand the date of 6 April 2022 is to allow time to become familiar with the new process, and for any necessary IT changes to be made to HMCTS's online divorce systems so that the new process works as intended and is fit for purpose.

It has been a long time coming, but it feels like we are nearly at the finish line. No-fault divorces will take a huge amount of anxiety away from the process, benefitting a significant number of people.

Guiding you through the divorce process

The introduction of no-fault divorce is one of the most significant changes in family law in the last 50 years. Ending a marriage is a monumental decision, and that won't change. It's important to remember that the actions you take in the early stages can set the tone for everything that follows.

Some couples may wish to delay proceedings until they can progress on a no-fault basis. Others, who were expecting the change in Autumn 2021, may feel that their issues have become more time critical. People in this situation should seek advice and consider proceeding on the basis of 'agreed' particulars of unreasonable behaviour. Whilst that does still mean one party is assigned some 'fault', it is an agreed decision, intended to benefit them both if there are financial issues to resolve.
If you're about to start divorce proceedings, or currently going through the separation process, then speak to one of our divorce lawyers. We're here to guide you through the maze of emotions and legal responsibilities, every step of the way.

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Arbitration | Resolving relationship disputes out of court

Many couples about to embark on divorce and financial remedy proceedings are blissfully unaware that there are others forms of dispute resolution to help them resolve issues, such as who is to keep the family home or how pensions are to be divided.

An alternative route to traditional forms of financial remedy proceedings

Due to the current COVID-19 pandemic, the family courts are more stretched than they ever were previously and it's no understatement to say that the family justice system is at breaking point. In light of this, it can take parties' years to resolve their financial matters flowing from their divorce if they choose to go down the traditional route of financial remedy proceedings. However, there are other approaches.

Many people are completely unaware about arbitration and how it can be effectively used as an alternative 'out of court'

What is arbitration?

Arbitration is a form of formal dispute resolution that has been available for family law issues since March 2012 (although many people still don't know this exists).

During arbitration, the parties enter into an agreement under which they appoint a suitably qualified person (an arbitrator) to adjudicate their dispute and make an award – essentially the outcome of your case is decided by a neutral arbitrator as if they were a judge in court.

What are the advantages of arbitration?

You choose your own judge

Once you've appointed your suitably qualified arbitrator (i.e. your judge), that same person will deal with your matter until the conclusion of your case, creating continuity.

Degree of flexibility

You have more control and flexibility over the proceedings and the decisions being made, i.e. you can have a say in respect of the time, date and venue for any hearings within the arbitration process.

Confidentiality

Possibly one of the most favoured benefits with arbitration is that confidentiality can be assured, meaning national and regional press publications are unable to report on your case.

Keeping matters out of court

You can resolve issues in a non-confrontational way, that can save you time and money. Therefore, many people tend to prefer the arbitration process, as opposed to the timely, costly and significantly delayed financial court proceedin

Is arbitration expensive?

While many wealthy and/or famous people choose to use arbitration to resolve their financial matters, it certainly isn't exclusively for the rich and famous. Many couples have also turned to arbitration as they do not wish to have their life on hold for months (or even years!) whilst their financial remedy case makes its way through the painstakingly slow family judicial system, adding time and money.

How and when should I start arbitration?

If you are about to commence a divorce, make sure you speak to a specialist family lawyer about the alternatives to court proceedings. There are a number of helpful out-of-court ways to work together to sort out your finances that could save you a significant amount of time and money.

Guiding you through the process

Whichever route you decide to take, our experienced family lawyers will support you and equip you with the information and guidance you need to reach a solution that works for you.
If your relationship has recently broken down, and you're finding it difficult to agree with your ex-partner regarding a financial settlement or childcare arrangements, then arbitration may allow you to reach a solution you're both happy with, and more importantly, may save you costly court action.

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Inheritance – A gift or a curse?

> “They will always have a roof over their head and food in the fridge but the rest is up to them”

James Bond actor, Daniel Craig, has publically stated that he finds the concept of inheritance “quite distasteful” and will not be leaving his £100 million fortune to his children.

Baroness Karen Brady has told her children “they will always have a roof over their head and food in the fridge but the rest is up to them”.

Bill and Melinda Gates have pledged the majority of their wealth to charity.

Those with significant wealth often worry that by passing it directly to their children they are gifting them something of a poisoned challis.

Who wouldn’t want many millions in assets and no terms or conditions on how to use it? Sadly many wealthy families who pass their wealth down to the next generation without structure leave their children vulnerable to external forces, corrupt influences by those with their own agenda, and ultimately temptation.

An outright gift of significant value when in the hands of an inexperienced beneficiary can lead to the very worst outcome, wealth lost and a child in rehab or worse.

By leaving that wealth in trust for the children with a full letter of wishes and experienced trustees at the helm, the parents can see a future plan and the child has the support they need. Trustees can be professionals well versed in the role of family

trusts, friends or family members, or indeed a combination of all of these. Trusts can take many forms – a fully flexible discretionary trust or cascading life interests for example. Leaving a gift in a trust ensures levels of guidance and protection are in place but also opens up the opportunity for significant tax planning for the entire family.

Trusts can be created during lifetime or through your will to take effect on your death. Remember, leaving a gift to a child by a will will pass to them when they are just 18 years of age if you do not specify a later age. Well drafted wills with the appropriate trust provisions included can give much needed peace of mind to a parent wanting to provide for their children. A letter of wishes can outline when the trustees should consider appointing wealth out to a child to assist in property purchase, education or other milestone events. The child can request an early distribution of funds and if satisfied the reason is one their parents would have endorsed, often trustees have powers to release assets to the beneficiary early. However, if the reason is unsound or unsafe funds are retained until the child is older and, one hopes, a little wiser.

Our private client team can advise...

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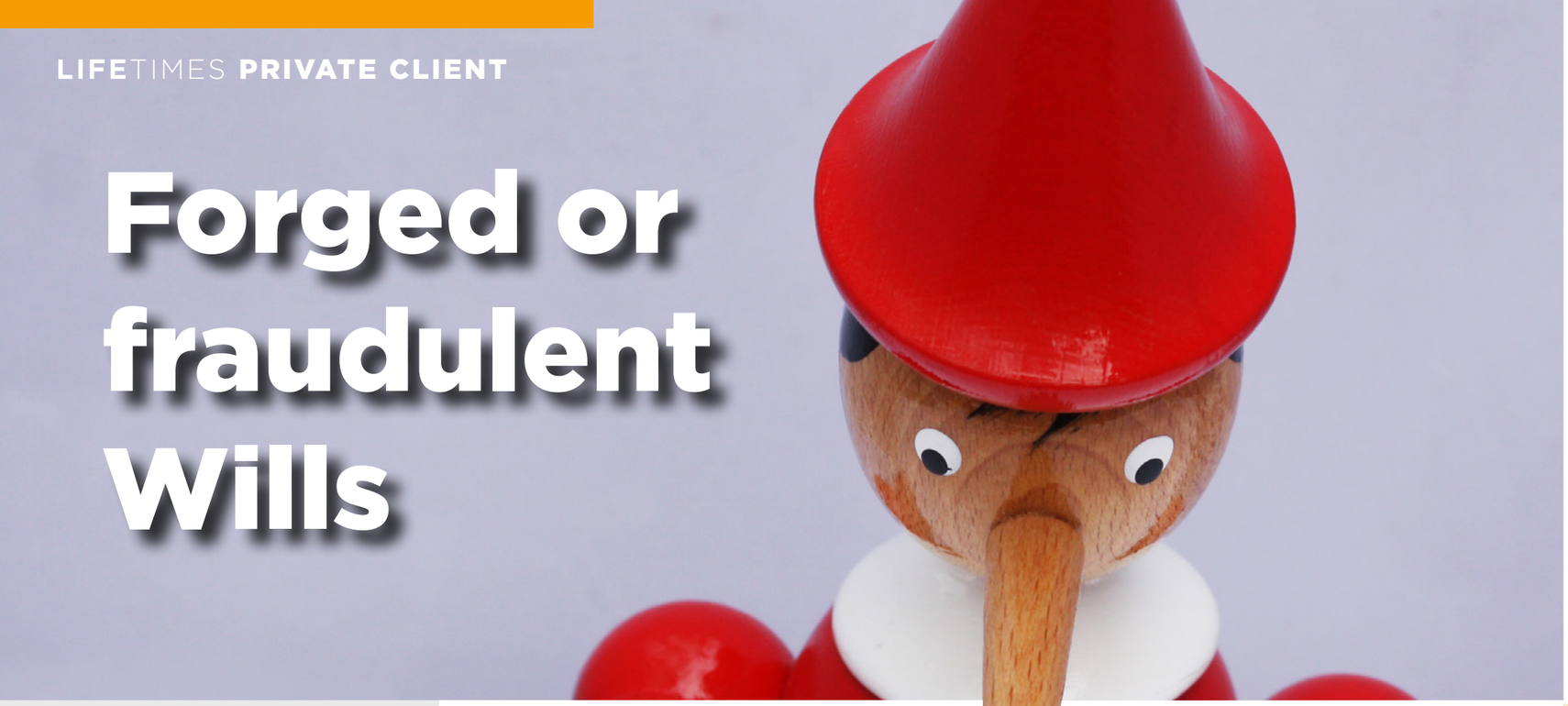
Forged or fraudulent Wills



Summary

If it can be proved that a Will is a forgery or fraudulent then the estate of the Deceased person will therefore pass via their last valid Will of if there is no valid Will according to the rules governing an intestacy.

If you believe that a Will could be forged or fraudulent then the following are a few points you should consider:

- Does the Will benefit non family members and if so was this out of character for the Deceased?
- Was the Will made close to the Deceased's death?
- Are the provisions of the Will significantly different from those in the Deceased's previous Will if there was such a Will?
- Was the Will professionally made?
- Did the Deceased make no or little provision for a child or spouse when this would have been expected?
- If the witnesses were not employees of a professional entity, did the deceased know the witnesses?

An allegation of forgery is extremely serious and distressing and compelling evidence will be needed to satisfy a court that a will is a forgery.

The most common allegation is that the signature on a Will is a forgery and therefore the Will does not comply with the statutory requirements for it to be signed by the individual named in the Will or by someone at their direction.

In order to successfully pursue an allegation that a signature on a Will has been forged it is usually essential to obtain expert handwriting evidence which supports the allegation. The handwriting expert will look at various known examples of the Deceased's handwriting and compare these to the handwriting on the Will. They may also be able to use chemical and other forms of testing on the apparent forged handwriting to reach a decision on whether it is likely to be forged.

If it appears that a signature may have been forged then this raises concerns as to whether the witnesses to that signature were also involved with the forgery. Forgery of a Will has criminal implications and there have been a number of cases where individuals have been successfully prosecuted and imprisoned for forging Wills.

Fraudulent Wills

The most common example of fraud when it comes to Wills is when an individual's last Will has either been destroyed or hidden and another Will has been put forward in its place. In this situation the Will put forward as the last Will is often an earlier Will which benefits the individual propounding it far more than the earlier Will.

A Will may also have destroyed or supressed to ensure that the Deceased's estate passes to their surviving family in accordance with the intestacy rules and not to a friend or charity whom a family member believes should not benefit.

One of the most extreme examples of fraud would be where an individual makes a Will pretending to be someone else. Clearly in that situation the signature on the Will is likely to be a forgery.

A Will could also be fraudulent in a situation where they had made provision in a Will for a beneficiary but only on the basis of another individual making misrepresentations to them.

It is difficult to successfully challenge a Will on the basis that it was fraudulent as the evidence to support such a challenge can be extremely difficult to obtain.

> **"One of the most extreme examples of fraud would be where an individual makes a Will pretending to be someone else."**

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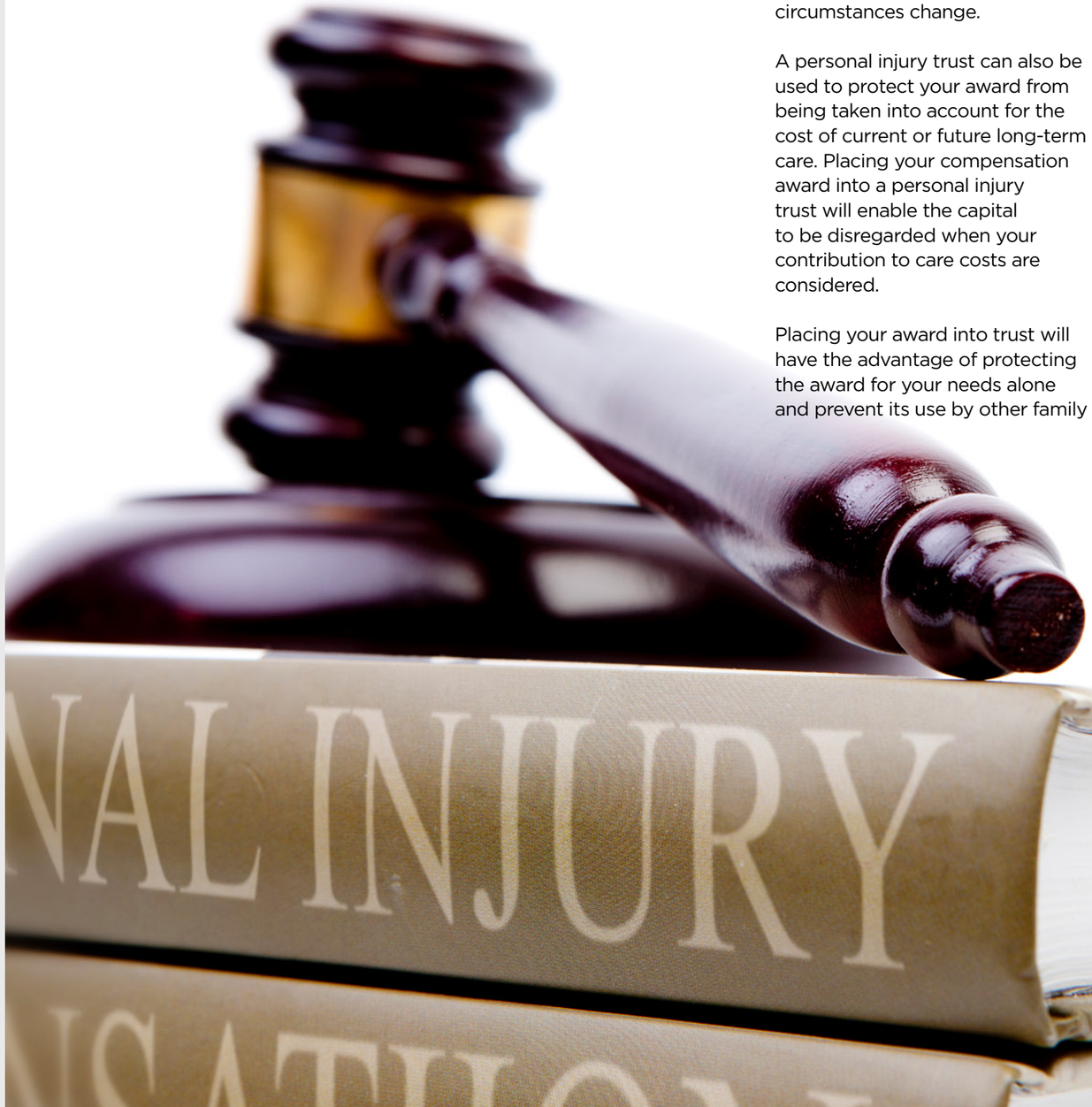
Personal Injury Trusts protecting what matters

What is a Personal Injury Trust?

A personal injury trust is a trust that has been set up using an award of compensation. You can create a personal injury trust by asking other individuals or a company to hold assets on your behalf – these people will be known as your 'trustees'.
It is important to ensure the correct type of trust is used. This will depend on your needs, family circumstances and the possible involvement of the court. For further information on Personal Injury Trusts, contact Sarah Brack.

How can a Personal Injury Trust protect my entitlement to benefits?

If you are in receipt of means-tested benefits, the capital value of any award you receive will be taken into account when calculating your entitlement to those benefits. However, if you set up a personal injury trust with your compensation award that capital is disregarded and will not affect your entitlement to means-tested benefits.



What are the other advantages of setting up a Personal Injury Trust?

Even if you do not currently receive means-tested benefits, setting up a personal injury trust when you receive your award can prevent loss of any future benefits you may claim if your circumstances change.

A personal injury trust can also be used to protect your award from being taken into account for the cost of current or future long-term care. Placing your compensation award into a personal injury trust will enable the capital to be disregarded when your contribution to care costs are considered.

Placing your award into trust will have the advantage of protecting the award for your needs alone and prevent its use by other family members. It will ensure that the compensation is not spent very rapidly, leaving you short of financial support in the longer term.

You may not be used to managing a substantial sum of money. By setting up a trust the complexities that come with having to deal with more money, such as managing investments, and completing tax returns can all be dealt with by your trustees, removing the stress from you.

When should I set up a Personal Injury Trust?

In order to avoid any loss of benefits, a personal injury trust should be set up before you receive your award of compensation. However, a personal injury trust can be set up at any time using your compensation award. There is a period of 52 weeks, from the date you receive your award, in which your compensation will be treated as disregarded capital but this period is subject to special rules and we do not recommend that you rely on it.

Who should be my Trustees?

The choice of trustees will be very important as they will be responsible for looking after and investing the award once it is placed into trust. You should have at least two trustees and they will need to be over the age of 18. They must be people who you trust, are sensible and will act fairly.

It is possible to appoint a 'professional trustee' who will have an advantage of being experienced in managing trusts, understand the legal roles and responsibilities of being a trustee and be independent.

If you don't know anyone to appoint, we also offer a trustee service.

What happens to the Trust if I die?

How the trust is dealt with on your death will be determined by the type of trust that has been set up. The most common type of trust that is used for personal injury awards is a 'bare trust'. With this type of trust the assets of the trust fund would be distributed in accordance with the terms of your Will.

For further information on Personal Injury Trusts, contact Sarah Brack.

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Did he really love my mum?

“so called “predatory marriages” can leave a family not only grieving the loss of a loved one but feeling hurt and betrayed.”

No one begrudges their parent finding companionship and love later in life. We want those we love to be happy, but what if that companionship and apparent love is simply a form of grooming?

There have been a spate of incidences in recent years where it seems an older relative, possibly suffering with dementia, has died and only then has it come to light that before their death they married and left their entire estate to someone barely known to the family.

These so called “predatory marriages” can leave a family not only grieving the loss of a loved one but feeling hurt and betrayed.

An existing will perhaps splitting assets equally amongst surviving children is automatically revoked by marriage and the new will benefiting a new spouse takes precedent.

Questions around capacity to marry and indeed to understand the effect of the new will are often brushed aside. The police are powerless to assist as, unless coercive control can be proved, the gift of the entire estate to a spouse is not theft.

Clearly, reformation of our marriage laws is now essential.

A case in question

Joan Blass was 91 with severe dementia and terminal cancer. After her death in March 2016 it was found that a much younger man of 68 years had secretly married her five months before her death.

Her male friend had moved in with her after only a month, having met her over the garden wall. The family were concerned about him and contacted Joan’s GP, Social Services and the police at the time the relationship began, and all said that with her severe dementia, Joan would not be able to marry or write a new will.

Following Joan’s death, her “male friend” produced a marriage certificate to evidence the marriage no one had been told about and that she, herself, had never mentioned to her closest family.

Understandably, the family contacted the Register Office only to be told however, “she was fine on the day, total compos mentis”.

Registrars, do not have training in assessing mental capacity or dementia. The two witnesses present were the son of the male friend (now it transpires the husband) and his friend from the pub quiz team.

Joan’s family was left living with this interloper next door to them, taking the place of their beloved mother whom they had seen every day. Despite a registered Lasting Power of Attorney in favour of Joan’s daughter and the GP’s assessment alongside it saying that she was without capacity, the marriage was allowed to proceed.

Under recent legislation governing “forced marriages”, this would be set aside but with court fees exceeding £200,000, Joan’s family was no further forward. Such new legislation, it seems, does not have clear parameters which can be enforced.

What should happen?

Separate interviews before any marriage, conducted by trained staff, must be rigorously pursued. Wills must be drawn only after full capacity tests are completed by experienced practitioners and couples seen separately where even the slightest concern as to their understanding and capacity is felt.

Joan’s “husband” has now gone on to marry another elderly lady! The “Marriage and Civil Partnership Consent Bill” was passed unanimously in March 2021 but as is often the case with Private Members the bill ran out of parliamentary time.

Talk to your family, safeguard your older relatives and always be wary of that chat over the garden wall that becomes something more. If you have suspicions, pursue those and ensure that your older relatives’ wishes are carried out.

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Join us at our series of wealth and family webinars

Our latest family webinar series is now available and will cover:

Our specialist team of family lawyers is here to support you through a variety of family law issues including divorce and separation, financial and child arrangements, cohabitation agreements, prenuptial agreements and civil partnerships.

When two families become one

A practical guide on estate protection, wills and guardianship appointments. Join us to find out more.

Monday 11 October 2021
9.30am
30 mins long

Register now

Avoiding messy split ups

A guide to co-habitation agreements for couples planning or currently living together. Join us to take a look at the options available.

Monday 18 October 2021
9.30am
30 mins long

Register now

Going for gold - Again!

We're delighted that our teams have been recognised for their fantastic contribution to the world of family and private client law over the past 12 months, which has been a challenging time for everyone professionally and personally.

We've been shortlisted for Probate Provider of the Year at the National Wills and Probate Awards.

AND

For the third time we have been shortlisted for Family Law Firm of the Year at the Family Law Awards. We currently hold this title so to be shortlisted again is wonderful recognition.

Keeping our fingers crossed for the finals later this year.

Family Law Awards 2021
LexisNexis

Headline Partner
4pb Four Paper Buildings

SHORTLISTED FOR:
FAMILY LAW FIRM OF THE YEAR
- MIDLANDS AND WALES

Deputyship – what are they and do I need one?

What is a deputyship order?

A deputyship order can be issued if a person lacks sufficient mental capacity to manage their own health, welfare, financial or affairs.

There are two types of deputyship:

Property and financial affairs deputyship

Personal welfare deputyship

A property and financial affairs deputyship is the most common. The Court of Protection may appoint a deputy to manage the client's financial affairs on their behalf. The deputy can make financial decisions for the client, but must always do so in the client's best interests.

It is unusual for the court to appoint a personal welfare deputy – instead it is more common for the court to make issue-specific orders authorising another person to make individual decisions on behalf of the client.

Why set up a deputyship?

A financial deputyship will be needed if someone lacks sufficient mental capacity to manage their own financial affairs, has assets that need to be administered, or financial decisions that need to be made - and has not previously executed a valid power of attorney.

What is the difference between a deputyship order and a lasting power of attorney?

Ultimately the Court of Protection decides if someone lacks mental capacity, after considering the medical and other evidence submitted as part of the application for the appointment of a deputy. The solicitor dealing with the application will obtain medical evidence from a suitably qualified mental health professional.

Who can apply to be a deputy?

A deputyship order and a lasting power of attorney both allow an appointed person, or persons, to make decisions on behalf of someone who lacks mental capacity.

However, the main difference is that a lasting power of attorney is made by the client before they lose their mental capacity, so they're able to decide and appoint their own attorney(s). Read more about powers of attorney.

If that individual did not make a lasting power of attorney before they lost their mental capacity, then an application can be made by someone else to become their deputy and manage the client's affairs on their behalf.

The role of the deputy

In most cases, a spouse, partner or close family member will apply to become the deputy, although they must be over the age of 18. When making the application to be appointed as a deputy, any criminal convictions or bankruptcy or insolvency issues must be declared to the Court of Protection, and this could lead to the court refusing the application.

Where no one is willing to make an application, or there is no one suitable to act as a deputy for the client who lacks mental capacity, then a professional deputy can be appointed by the court.

If the assets of the client are substantial in value, or are complex, then it may be necessary for a professional deputy to be appointed.

It is possible for more than one deputy to be appointed. This can be either:

- Together ('joint deputyship'), which means all the deputies have to agree on the decision;

  or

- Separately or together ('jointly and severally'), which means deputies can make decisions on their own or with other deputies.

Acting as a deputy can be onerous and time-consuming, therefore it's important to understand the role and the duties of being a deputy.

Court of Protection

Deputyship – what are they and do I need one?

What are the duties of a deputy?

1. Property and financial affairs

A property and financial deputy looks after the client's financial affairs, including paying bills and operating bank accounts, making and changing investments and making financial decisions on behalf of the client - but always in the client's best interests.

This type of deputy can do most of the things the client can do, such as sell the client's house if authorised in the court order (or otherwise with the court's permission) on the client's behalf.

A deputy cannot:

- Make a will or change the client's existing will
- Make substantial gifts on the client's behalf (unless a specific court order authorises this);
- Hold any money or property in their own name on the client's behalf.

Any major decisions, unless duly authorised in the court order, need the court's specific permission.

A property and financial deputy must keep a record of all payments and keep copies of receipts for all payments.

Every year, the financial deputy has to provide an annual report to the court. This gives the court information on decisions that the deputy has made on the client's behalf, and also provides full financial accounts for the court to approve. Where the deputy is a professional person, details of the fees charged during the deputyship year and a best estimate of the fees to be charged for the year ahead will also be included.

2. Personal welfare

The role of a welfare deputy will depend on the authority that the court has given to the deputy. For example, there could be an order in place allowing the deputy to give consent to certain specific medical treatment, or to decide where the client lives.

Who decides if someone lacks mental capacity?

The Mental Capacity Act 2005 sets out a deputy's duties. Read more about the responsibilities of a deputy on the gov.uk website. Essentially, the deputy must ensure that he or she acts in the best interests of the person who lacks mental capacity, in the case of each decision made, and demonstrate that the client lacks sufficient mental capacity to make that decision. A financial deputy has a duty to keep accounts and to keep the client's money and property entirely separate from their own finances.

The deputy can only make decisions if authorised by the deputyship order, and must have regard to all relevant guidance in the Office of the Public Guardian's Code of Practice. The Code of Practice provides guidance information on the Mental Capacity Act and how it works in practice.

Are deputies supervised?

The Office of the Public Guardian assesses the suitability of each deputy to act on an ongoing basis, and applies an appropriate level of supervision to each deputy. There are four levels, ranging from close supervision to a light touch supervision. Read more about supervision and support. Before being appointed, a financial deputy will need to take out an indemnity bond with a bank or insurance company, on the basis of a financial level determined by the Court (in case of any financial loss being sustained by the client as a result of the deputy's actions or omissions). This will need to be renewed annually by the deputy.

Office of the Public Guardian

How long does it take to appoint a deputy?

Once the application has been sent to the court, it usually takes at least three months for someone to be appointed as a deputy. There can be delays prior to sending in the application to the court, as obtaining suitable and appropriate medical evidence can sometimes take a long time to obtain, depending on the medical or suitably-qualified mental health practitioner involved.

How to apply to be a deputy?

To apply to become a deputy, an application must be submitted to the Court of Protection. The Court of Protection then assesses the suitability of each deputy to act from the information provided on the application form.

The application process involves supplying a lot of detailed information about the client's personal financial, and other, circumstances. It also involves notifying certain people about the application.

How much does a deputyship order cost?

An application fee of £365 is payable to the Court of Protection at the time that the application is submitted.

Other fees payable include an annual supervision fee, which is payable to the Office of the Public Guardian. The fee is calculated by reference to the level of supervision required and the level of the client's income.

Helping you to set up support for years to come

We appreciate it can be difficult when someone you know loses the ability to make considered decisions for themselves.

Should you wish to manage someone's affairs on their behalf, our team will advise you of your options and guide you through the process of applying to be appointed as a deputy, including preparing the deputyship application papers and liaising with the Court of Protection regarding your application.

We often engage with newly appointed deputies to assist and support them with their responsibilities, and continue to do this for many years, building strong relationships with them and the person in their care.

If required, we also have appropriately skilled, experienced and qualified experts who can act as a professional deputy, for example, if there is no other appropriate person to act in this capacity, if the value of the assets are substantial or the affairs and property are complex, or where a lay deputy being appointed would not be appropriate (such as if there is a family rift or dispute).

To take that first step in the process of becoming a deputy, speak to a member of our private client team.

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First Homes for first time buyers

The First Homes scheme was launched in England in June 2021 and is the latest government programme aimed at helping first-time buyers on to the property ladder.

How does it work and who can benefit ?

What is the First Homes scheme?

The First Homes scheme enables first-time buyers to buy a property with a discount of at least 30%.

Theoretically this should mean buyers require smaller deposits, which as first time buyers know only too well is one of the biggest obstacles they face when looking to buy their first home – and smaller mortgages (having been discounted) making them more attractive to lenders.

How does the government's First Homes scheme work?

Properties for sale under the First Homes scheme are new-build and must be offered to first-time buyers only with at least a 30% discount off their valuation. Some regions may offer larger discounts depending on regional housing needs.

The scheme's objective is to provide affordable homes for local people, key workers and first-time buyers.

In order to be eligible to buy a property under the scheme, buyers must:

- Be a first-time buyer – meaning buyers have never owned any property before, even a part share
- If buying with someone else, both parties must meet the criteria for first time buyers
- There is an income cap of no more than £80,000 per household and £90,000 in London
- Any mortgage taken out must cover at least 50% of the purchase price of the property
- The property being bought must be a main residence and not a buy-to-let property. First Homes properties are also subject to price caps, with properties outside of London limited to a purchase price of no more than £250,000 after the discount has been applied.

The pros of the First Homes scheme

- It allows people to purchase a new home with a discount of at least 30%
- Purchasers will need a smaller deposit
- It is possible this will mean a smaller mortgage
- It may make it possible for people to stay within their local area rather than having to move to somewhere with cheaper house prices.

The cons of the First Homes scheme

- This scheme is only available on new build properties
- New builds can command a premium, so it may be that buyers end up spending more on a house than they would if a larger deposit could be saved
- When the property is sold, the same discount needs to be applied and it can only to be sold to a buyer who meets the First Homes criteria
- It is very likely that competition for these homes will be very high.

How to access the First Homes scheme

Prospective purchasers should keep an eye out for new-build developments nearby and find out if the developer will be offering any homes under the First Homes scheme.

The scheme has only been in existence since June 2021 so it is anticipated that properties under the First Homes scheme will start to become available in Spring 2022.

Once you have found a house to buy contact our conveyancing team and take advantage of our new First Time Buyers offer.

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SHAKESPEARE MARTINEAU

Working with organisations of all sizes, the firm delivers a broad range of specialist legal services and has particular expertise across areas including but not limited to: energy, education, banking & finance, healthcare, investment funds, manufacturing, agriculture, family business, Islamic finance, later living, social housing and real estate. Shakespeare Martineau also provides services for families and private clients

The firm's purpose is clear;

to unlock potential, and its ambitions are unlimited; aiming to become one of the most admired top 30 law firms by 2025.

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