

## PRIVATE CLIENT CONFERENCE

THURSDAY 19 OCTOBER 2023 – 09:30 – 16:45

Marsham Court Hotel, 3 Russell Cotes Road, Bournemouth BH1 3AB

COST	
£135	Solicitor Member/Associate Member/Trainee Solicitor
£180	Non-Member of BDLS
CPD	
6 Hours	
BOOKING	
Please book online at: <a href="http://www.bournemouthlaw.com/bournemouth-district-law-society-lectures">www.bournemouthlaw.com/bournemouth-district-law-society-lectures</a>	
Ref: <b>974</b>	
Solicitor Competence: <b>B</b> <a href="#">(SRA   Statement of solicitor competence   Solicitors Regulation Authority)</a>	
HOTEL PARKING	
<b>Marsham Court Hotel, 3 Russell Cotes Road, Bournemouth BH1 3AB</b>	
<b>Parking:</b> This is at the rear of the hotel (postcode BH1 3AU) No parking charge. On arrival, please inform hotel reception of your car registration number and, when you leave, ask for the exit code to raise the exit barrier. Alternatively, there is parking at Berry Court in St Peter's Road, Central Car Park in Upper Hinton Road or street parking around the hotel.	



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### PROGRAMME

<b>09.00 – 09.30</b>	<b>Registration and refreshments</b>
<b>09:30</b>	<p><b>Introduction by Chair</b> <b>Michael Newbold, BDLS President</b></p>  <p>Michael is a Private Client Solicitor working at Luff Brook Carter in Ferndown. He is the current President of BDLS. He specialises in Will drafting, Lasting Powers of Attorneys and Estate administration. He is a past Chair of the BDLS Private Client Group.</p>
<b>9:30 – 10:30</b> <b>1 hour</b>	<p><b>Court of Protection– the Latest Changes</b> <b>Helen Forster</b></p>  <p>Helen is the managing director of her law firm, HTF Legal, based in Yorkshire, she is a solicitor and trusts and estates practitioner and has spent over 14 years working in the private client sector. Over the years she has received numerous awards including the category of rising star in England and Wales in the Modern Law Awards in 2016, where she came second. More recently her firm has won “inheritance firm of the year Yorkshire” in 2023. Her particular</p>

	<p>specialisms include tax planning and mental capacity work and, in addition, she provides training and seminars around the country on the subject.</p> <p><b>This session will consider the recent changes to the service and how these impact your working practises. We will also consider recent case law and recommended practises to assist you in the management of caseloads in the area. In particular we will cover:</b></p> <ol style="list-style-type: none"> <li>1. The new “online” and “Pre-notification” procedures</li> <li>2. DOLS and LIPS requirements</li> <li>3. Up to date case law</li> <li>4. Costing files, and practice management</li> </ol>
<p><b>10:30 – 11:30</b> <b>1 hour</b></p>	<p><b>Mental capacity and the Frontal Lobe Paradox</b> <b>Dr Duncan Shaw</b></p>  <p>Dr Duncan Shaw has been a local GP in Bournemouth for the past 20 years. He is now concentrating on mental capacity assessments and is a Special Visitor for the Court of Protection. Duncan takes instructions from local solicitors for private mental capacity assessments through his company Contentious Capacity Solutions Ltd. He has also recently set up Virtual Capacity Ltd with Dr Andy Barker, a local psychiatrist, which provides mental capacity assessments online.</p> <p><b>Duncan’s session is covering the often-concealed frontal lobe problems caused by head injury, alcoholism, and ASD/ ADHD and how they can affect P’s decision-making ability regarding residence, care, financial management and will writing.</b></p>
<p><b>11.30 – 11:45</b> <b>15 mins</b></p>	<p><b>Refreshments</b></p>
<p><b>11.45– 12:45</b> <b>1 hour</b></p>	<p><b>Practical Will Drafting</b> <b>Helen Forster</b></p> <p><b>The area of will drafting is becoming more complex, with concerns regarding second marriage, care fees and tax resulting in more and more technical wills. A failure to draft correctly could lead to issues as regards rectification of wills or even challenges as regards validity. This session will cover:</b></p> <ul style="list-style-type: none"> <li>- <b>electronic assets and how to include these within a Will</b></li> <li>- <b>the impact of the trs on will drafting- Don’t let the TRS dictate how your wills are drafted!!!</b></li> <li>- <b>utilising tax allowances- trusts vs lifetime gifting- Beware of the backwards shadow!</b></li> </ul>

**12:45 – 13:00**  
**15 mins**

**Finding Heirs and Assets: The importance of verification**  
**Louise Levine, Finders**



Louise Levene is International Asset Services Manager at Finders International. She joined the Finders team in January 2015 and brings nineteen years' experience in the field of probate genealogy and probate support services to her role. With specialist expertise in the particular field of recovering international assets, she has completed a very wide variety of asset-related work for hundreds of estates, from selling shares in the USA and Australia, to closing bank and investment accounts around the world, to obtaining Grants offshore, resealing in Commonwealth jurisdictions, and working persistently and patiently through the red tape everywhere. Louise has built up considerable practical know-how based on her experiences, and she enjoys using this knowledge to navigate the often opaque world of transfer agents and foreign financial institutions, taking a practical, problem-solving approach to help estate administrators cut through the bureaucracy that delays the winding up of worldwide estates.

**Louise will be covering the importance of documenting linking certificates and 'finding' another shareholding when dealing with overseas assets for a client.**

**13:00 – 13:45**  
**45 mins**

**Lunch**

**13:45 -14:45**  
**1 hour**

**Private Client Update**

**Lesley King**



Lesley is Professional Development Consultant at the University of Law is Co-Author of Wills, Taxation and Administration: A Practical Guide; A Modern Approach to Wills, Administration and Estate Planning (with Precedents); A Practitioner's Guide to Wills; Wills: A Practical Guide and Editor of The Probate Practitioner's Handbook. She is the Wills and Probate Columnist for the Law Society Gazette, and writes and lectures extensively on Wills, Taxation and related matters.

**This session will provide a review of current issues in Private Client Practice. The session will focus on good practice and avoiding pitfalls. The content will depend on developments during 2023 but is likely to include:**

- **The trust register: duties in relation to discrepancy reporting**
- **Getting the best out of online probate**
- **Means tested benefits and legacies in the light of FSS v LMS and F v R**
- **Rights of residuary beneficiaries to challenge bills**

**Objectives:**

**After completing the session delegates will be:**

- **aware of recent developments in the private client area**
- **able to amend office practices appropriately.**

**14:45 – 15:30**  
**1 hour**

## **Deprivation of assets to avoid paying care charges – How to challenge a local authority’s decision?**

**Carol Davies, College Chambers**



Carol is a barrister at College Chambers in Southampton. Carol has practiced for 26 years in civil litigation and family financial matters with particular interest and specialism in probate and inheritance cases. Carol has also dealt with Court of Protection matters, in terms of both property and affairs and health and welfare for over 1 years. Her experience in commercial and contract disputes enhances Carol’s skills and knowledge to deal with such issues in any probate disputes. She is also a civil and commercial mediator since 2007 and she became a Fellow of the Chartered Institute of Arbitrators in 2018. Carol is listed as a tier 2 leading junior in The Legal 500 in Court of Protection and Community Care and tier 1 leading junior in Chancery, Probate and Tax.

**This talk looks at the issue of deprivation of assets in the context of care home charges, the rules, guidance and means and basis of challenging a local authority’s decision that there has been deprivation of assets.**

**We shall consider the impact of -**

- **Care Act 2014;**
- **Care and support (Charging and Assessment of Resources) Regulation 2014;**
- **Care and Support Statutory Guidance – Section 8;**
- **Procedure to challenge and**
- **Practical guidance to present the best case.**

**15:30– 15:45**  
**15 mins**

**Refreshments**

**15:45 – 16:45**  
**1 hour**

## **Drafting and Using IPDI Trusts**

**Lesley King**

Many married couples (and to a lesser extent cohabitees) solve the problem of protecting assets against care home fees and second marriages by the use of IPDI trusts.

This session looks at some of the issues that can arise in relation to such trusts. It will consider:

- The risk of 1975 Act claims
- Drafting decisions:
  - powers in relation to income and capital
  - the terms of the remainder interests
  - who are the trustees?
  - The self-dealing rule
- Does the trust have to be registered?
- Tax
  - implications of terminating a trust

Is the residence nil rate band available?

- How can the costs of running such trusts be reduced?
- What if a trustee loses capacity?

Can they be removed?

**16.45**

**Close**

**Please book online at:**

<https://www.bournemouthlaw.com/bournemouth-district-law-society-lectures>

**Course Notes:** For environmental reasons, BDLS will no longer be providing printed course notes at lectures. Lecture notes will be emailed to delegates in advance for either printing or accessing via their laptop or alternative device on the day.

**Payment for lectures:** Please be aware that payment must be received at the office **before** the lecture takes place. Course bookings will only be confirmed upon payment. All payments are to be paid by BACS. No refunds within 7 days of the course.