

Summer 2006

VALUE ADDED LEGAL SERVICES FOR
BUSINESS AND PRIVATE CLIENTS



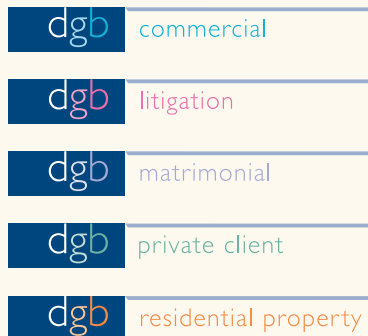
THE NEWSLETTER OF dgb solicitors

New look for dgb



New visual identities for each of **dgb's** five specialist departments were unveiled at the Business Link exhibition. As you'll see alongside, each department is now clearly identified by a different colour: (Commercial, Litigation, Matrimonial, Private Client, and Residential Property).

The new departmental branding features on our new stationery and website (www.dgblaw.co.uk).



Show Business!

Our first foray into the world of business-to-business exhibitions went extremely well. The **dgb** stand at the Business Link Conference and Business exhibition at Maidstone earlier this year attracted a great deal of interest from business owners and employers, keen to find out about our services and obtain impromptu advice on a variety of legal issues. We enjoyed the opportunity to meet and greet familiar faces and network with new names. Thank you to everyone who took the time to drop in for a chat.

www.dgblaw.co.uk



Email disclosure...
the importance of a staff policy.
[see inside.](#)



SOLICITORS

DISCLOSURE of emails

Parties involved in a dispute are required to disclose all documents relating to the case. The party also has to undertake a reasonable search for documents which harm its case or support or harm the case of its opponents. New laws introduced last October mean that parties must also disclose any relevant electronic documents. This includes all emails – those that are readily accessible from computer systems and other electronic devices and media – and also those stored on servers and back-up systems. It also includes emails that have been deleted, and metadata (data that is embedded and not visible). The 'reasonableness' of the search depends on the ease and expense of retrieving the documents. This is a hugely complex area of the law. Estimates suggest that an average laptop contains the equivalent of around 30 million A4 pages of text – so if you haven't yet put an email policy in place for your staff, don't delay - we can help you draft a suitable document.

dgb commercial



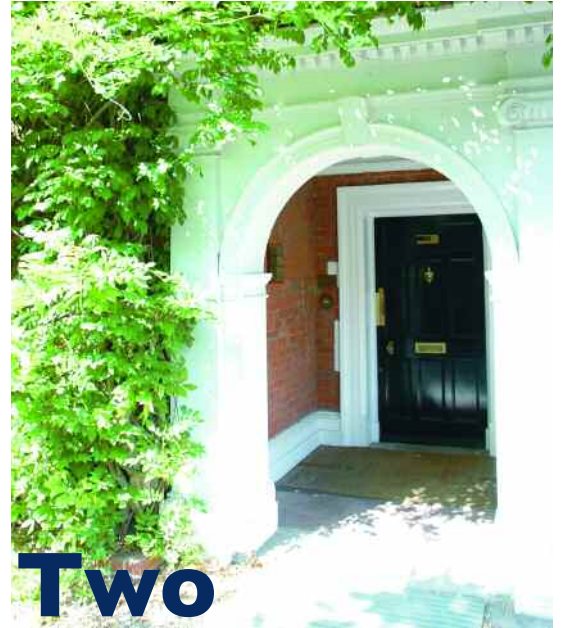
NO WIN NO FEE

At dgb, we're always prepared to consider acting for clients at various stages in substantial commercial litigation disputes on a 'no win, no fee' basis, either with or without insurance backing for any possible adverse costs orders. If you would like more details about this aspect of our litigation service, please contact Chris Simpson or Paul Fox in our litigation department.

dgb litigation



Talking over
the ideas...



Two

Some of our readers may not be aware that dgb is a two-office practice – with offices in Chatham Maritime and in Strood, each offering different specialist services. Staff at our main office, in Chatham Maritime, specialise in commercial, litigation and matrimonial law. The dgb Strood team specialises in residential property and private client matters, including wills, probate, and trusts.



Value added legal services for business



READY for age

The Government has now published the final draft of the Employment Equality (Age) Regulations 2006, which come into force on 1st October 2006.

The regulations will prohibit direct and indirect age discrimination, harassment and victimisation. Younger, as well as older workers will be affected.

This new law is all-encompassing (there are no small business exemptions).

If you're unsure about its likely impact on your company, please contact James Gomme for advice.



Top employment law tips for employers:

- Ensure all employees have contracts of employment
- Take legal advice before imposing any disciplinary measures or dismissing any employees
- Be aware that costs are rarely awarded in tribunal hearings, even to the successful party
- Consider reasonable restrictions on the ability of senior employees to work for competitors after they leave
- Ask **dgb** to update your contracts regularly.



Holiday pay

Disputes over holiday pay claims by construction industry workers resulted in a decision at the European Court of Justice that 'rolled-up' holiday pay (ie holiday money paid as part of a normal weekly wage) is not legal. The court decided that 'rolled-up' pay

contravened the Working Time Directive, which entitles all workers to a minimum four weeks' holiday.



However, the court did decide that employers could claim credit for any sums previously paid as part of 'rolled-up' pay where it was clear what proportion of it related to holiday pay.

TUPE rules ok

New TUPE regulations, which will allow more leeway in terms of negotiation over employment contracts between employer and employees when a business is taken over, have come into force. If your business is in the throes of a takeover, or you're considering selling up, you

need to know the facts.

Specialists in Commercial Property

Changes to land lease law

Changes are now required to the format of certain leases as part of a move towards electronic conveyancing. Prescribed information will have to be provided at the beginning of some leases where currently it is found in the main body of the document. The new law is compulsory and leases will be rejected for registration by the Land Registry if the correct information is not included. For more details contact Mark Smith.



Five top tips for commercial property purchasers buying land for development or buildings to let:

- **Remember, the selling agents act for the vendor, so consider appointing your own surveyor**
- **Appoint a specialist commercial property solicitor, rather than a residential conveyancer**
- **Involve your legal adviser and other professional advisers in negotiations with the vendor as early in the transaction as possible**
- **Ensure all agreed heads of terms are recorded in writing, however small.**
- **Discuss your timetable for exchange/completion with your legal adviser at the initial meeting.**

Commercial Property

dgb advised Gallagher Properties Limited regarding the lease of Building 1, Eclipse Park, to solicitors ASB Law. The transaction, completed in May 2006, involved the setting up of an estate arrangement for Phase 1 as well as the contract, lease, licence for alterations and collateral warranties.

dgb acted for Gallagher Properties re the acquisition of the site and is retained to deal with the legal transactions connected with the



ongoing development and disposal of the site. Eclipse Park is located at Junction 7 of the M20, about 1 ¼ miles from Maidstone town centre. Plans for the next stage of the development include options for buildings of 4,000 to 70,000 sq ft, suitable for business headquarters.



Specialists in Property Law

LANDLORD & TENANT ALERT

If you're letting or leasing commercial property, are you aware of where you stand once the rental period has expired? As a tenant, you are entitled to remain in the property and ask to re-rent it. As a landlord, if the tenant has substantially performed his/her/their obligations under the terms of the lease, you have no right to force the tenant to vacate the property, unless you want to occupy it personally or develop the site. Landlord and tenant law has many pitfalls for the unwary – make sure you are aware of all the legal issues involved. To find out more about your rights and responsibilities, contact Mark Smith.

dgb commercial



A rising tide...

The proposed regeneration of Medway waterfront by Medway Council with Medway Renaissance Partnership will provide a new, exciting linear city centre. Chatham centre and waterfront are to be developed as the centre's strategic commercial, cultural and civic heart. The new look centre will provide additional housing and an estimated 8,500 new jobs. Since a rising tide raises all ships, all businesses in the Medway area are likely to benefit from the exciting commercial opportunities.

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All vendors of residential property may soon have to provide a pack of information (Home Information Pack) for prospective buyers before marketing their property. Under the proposed law, the seller will not only have to state the price of the property and whether it is freehold or leasehold, but also provide a home condition report. Although the law is intended to streamline the conveyancing process, it has attracted a lot of bad press about the cost implications for vendors. In any event, it's not due to come into force until 1 June 2007, but if you'd like to know more in the meantime, talk to Mark Smith.

dgb residential property

Staff at dgb

Congratulations to Mark Smith, who became **dgb's** newest partner on 1st April 2006. He joined us in October 2000 to

work in the commercial department, before transferring to residential property. Mark has already earned a reputation for thoroughness and approachability. He is based in our commercial property department at Chatham Maritime, where he deals with sales, purchases and leases (acting for landlords and tenants) of commercial and residential property (including new developments).





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VALUE ADDED SERVICES FOR BUSINESS



Partner Portrait



dgb chairman Ian

Pentecost, a commercial property specialist, has been a qualified solicitor

for 21 years. Highly regarded by clients, lenders and fellow professionals alike, Ian deals with high value projects, involving residential, industrial and/or mixed development sites throughout Kent. His work involves the preparation of complex legal documentation for the acquisition and sale of land for commercial or residential development and the sale/letting of commercial estates, recent examples of which are the prestigious Eclipse Park in Maidstone and Invicta Business Centre in Gillingham.

Ian acts for small to medium size businesses, as well as high net worth individuals and corporate groups. He also advises on company sales and acquisitions and restructuring of companies following, for example, fundamental disagreements between shareholders and/or directors.

dgb online



dgb's new look website is now up and running at www.dgblaw.co.uk Upgraded to reflect the new visual identities of our five specialist departments (see front page story), the site is designed to be fast and easy to navigate. It includes staff profiles and photographs so you can see who's who at **dgb**, a useful news page with stories about current legal issues and cases, and full details of all the services we offer business and private clients. We've added a recruitment page to encourage applicants to apply for posts online and there's an enquiry page which you can use to email us any queries you may have.

Contacting **dgb**

If you need help or advice with any legal concerns or queries, please contact us at one of the addresses below.



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