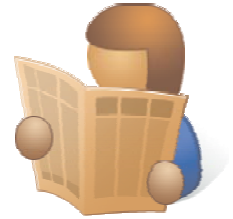




Newsbrief Autumn 2009

A very warm welcome



Welcome to our Newsbrief Autumn 2009. Hopefully you will find something of interest in the articles that follow. Whether it is an update on the social side at Rogers and Norton, on the Companies Act 2006 or indeed the hot topic of the moment, prenuptial agreements, please take the time to have a look and if there is anything we can help with please do not hesitate to contact us.



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Windmill Surgery

Richard Etheridge of Rogers & Norton recently acted for the Windmill Surgery practice in respect of their move into a newly constructed medical centre. Richard is seen here with the Windmill partners Martin Gillings and Yvonne Watts and practice manager Colin Foulger shortly following the opening of the new medical centre at London Road, Wymondham.

Rogers & Norton have acted on a number of medical centre developments and due to Richard's specialist knowledge the number of medical practices for which this firm acts continues to grow.





Community working together

The year so far...

Breakfast Club

Norwich Theatre Royal

The first breakfast club held in April at which Peter Wilson MBE of Norwich Theatre Royal spoke and the following breakfast in September at which Kathy Wilden of Biosphere Expeditions was a speaker have proved to be very successful as we are sure anyone who attended will tell you.



Charity Golf Day

Sprowston Manor, in aid of Guide Dogs

We successfully held another Charity Golf day at Sprowston in May to support this very worthwhile Charity and a sum in excess of £5000 was raised which is enough to rear and train a puppy. Over 100 golfers enjoyed good weather playing an excellent course which was followed by prize giving after dinner. An auction was also held very ably conducted by Phil Barker from Keys Auctioneers. We are extremely grateful to all the Companies, individuals and golf clubs who very generously supported the day and we hope to repeat this event in 2010.



Business Leaders Lunch

The first Business Leaders Lunch was hosted by R&N in June. Richard Ellis, the Chief Executive of EEDA was the guest speaker with Caroline Williams, Chief Executive of Norfolk Chamber of Commerce & Paul Hill the business editor of The EDP on hand to answer questions raised by those attending.



Annual Summer Party

15th July 2009

The invitations to this event were sent out with trepidation following the appalling weather which we have experienced over the last few years but this year's event was blessed with excellent warm weather and over 200 guests enjoyed a hog roast and drinks in the grounds of the Old Chapel. The event was attended by the photographer from the Norfolk Magazine and money was raised on the evening for the chosen Charity for the Practice for 2009, The Guide Dogs.

R&N Annual Charity Golf Day

Supporting MacMillan Nurses

The 11th Annual Golf Day was held at Bawburgh on the 25th September and the support for this day was, as ever, excellent. The event was held at Bawburgh Golf Club and all proceeds from the day are to be given to the MacMillan Nurses World's Biggest Coffee Morning which took place all over the Country on that day.





Community working together

Up and coming events...



Business Leaders Lunch

11th November 2009

Following the success of the inaugural lunch in June we are hosting a further lunch at Sprowston Manor in November when our guest speaker will be Professor Martin Reynolds of Ashcroft International Business School in Chelmsford. The event will comprise a two course lunch followed by Professor Reynolds talk and the cost to attend will be £15.00 inc. vat. Places will be limited at the lunch but if you wish to request a booking form to attend or require further information please contact us by e mail (gjk@rogers-norton.co.uk).



What's cooking at The Clare School

Life skills room renovation

Rogers & Norton held a Grand Charity Ball at Drayton Old Lodge in 2007 to raise funds for the renovation of the kitchen at the Clare School which had not been updated since the 1970s. A sum of almost £20,000 was collected at the Ball and whilst the project had been delayed because of red tape the building work is now complete. A grand opening will take place on 4th December to celebrate completion. The Practice has developed close links with the School and staff during this project culminating in Rogers & Norton becoming a Business Partner of the School. The completion of the Life Skills Room has greatly enhanced the benefit that the children obtain from this valuable facility at the School.



Breakfast Club

Norwich Theatre Royal

A date for your diaries will be 18th December when we hope to hold the next breakfast meeting to include a tour backstage as the Pantomime will be taking place at that time.

The cost of the breakfast is £12.50 per person and booking forms are available from gjk@rogers-norton.co.uk.



And don't forget...

PLONC

Professional Ladies Only Networking Club

The ladies business club goes from strength to strength under the leadership of our Partner, Amy Walpole with a membership now of more than 80. The ladies have just had an outing at Newmarket for Ladies Day and more events are planned for the future. To become a member of PLONC or for further information about the club please contact Amy on amy.walpole@rogers-norton.co.uk.





Personal Injury

A successful year

2009 has been a particularly successful year for the Rogers & Norton Personal Injury Department. During the period January 2009 to the end of August 2009 the Department has recovered compensation totalling in excess of £1 million for their clients.

Recent successes include securing a Judgment on liability in a claim against Norfolk County Council Highway Department. This was fully contested to Trial and culminated with a Judgment on liability against the Local Authority.

The awards that have been achieved are testament to the hard work and commitment of the staff and Partners in the Personal Injury Department and demonstrate their continual desire to ensure that every client receives appropriate compensation for the losses that they have sustained.

At the present time there are many insurers and indeed claims management companies that will seek to persuade a client to pursue their claim using a pre selected panel solicitor and frequently this solicitor is chosen because of their willingness to pay a referral fee to the referrer to enable them to receive the work,

rather than choice being based on their ability to do the work.

If you have a client who has had the misfortune of being involved in an accident or indeed you have likewise suffered in a similar manner it is vitally important to receive best advice as early as possible.

Here at Rogers & Norton we have the strength and breadth of experience to deal with every type of claim and we are always prepared to see any potential client without obligation and without charge to discuss the merits of their claim. Furthermore to assist them in both pursuing their claim whilst also ensuring that they receive the best advice on funding their claim without their decision being subject to the external influences of an insurer or a claims manager's desire to direct the client in one particular direction, for whatever reason.



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Rogers and Norton
Solicitors

news



Property Update

We are moving again



The tumbleweed that was blowing around the conveyancing department for the second half of last year has now been firmly consigned to the bin. Since February, there has been a dramatic increase in the number of instructions as clients appear to accept that the property market has probably bottomed out and people are once again, beginning to trade.

Whilst it would be naïve to believe that we will have a swift return to the same level of prices that we enjoyed at the top of the market, the fact remains that confidence has returned and people who last year were very nervous about the state of the market, are now prepared to venture out.

We have acted for a number of cash rich clients who

purchase properties on the basis that this will provide a better rate of return than having their money sitting in the bank. What is also encouraging is the fact that there is also a notable increase in the number of clients buying and selling their main residences. Whilst the banks reluctance to lend will restrict the property market, the fact remains that confidence appears to have returned.

Whilst I would be the last person to suggest that the short term future for the property market is rosy, it may at least be tinged by those green shoots of recovery!



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Companies Act 2006

1st October 2009

The final sections of the Companies Act 2006 (the "2006 Act") came into force on 1st October 2009. Many of these provisions deal with the law relating to company incorporation, constitution and administration. Some of the key changes are as follows:-

- Any company can be set up with a single (natural) person acting as the sole shareholder of the company.
- For private companies that person can also be the sole director of the company but at least one director must be a natural person (i.e. as opposed to a corporate entity). Private companies are no longer required to have a company secretary.
- The memorandum of a company will now need to simply state who the first shareholders are, that they wish to form the company and how much each has invested at the time of incorporation. The memorandum is therefore very much a snap-shot of the position on incorporation of the company only. All other constitutional matters will be dealt with in the company's articles.
- The 2006 Act provides that a company's objects

will be unrestricted unless the articles specifically restrict them.

Any existing company will be able to amend its objects clauses to make them unrestricted by amending its articles of association and removing the restrictions on its objects.

- For new companies incorporated after 1st October 2009 there will be new default model articles and unless a company chooses to modify or exclude the model articles then they will apply to the company by default. For existing companies there will be no changes in their articles unless they choose to make them. The version of the model articles that was in force at the time the company was incorporated will continue to apply to the company.

If you require any further information or any assistance with regard to your company please contact:



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Prenuptial Agreements

An overview of the Court of Appeal's decision in the Case of Radmacher v Granatino (2009) EWCA Civ 649,(2009) FLR

On 3rd July 2009 Katrin Radmacher, a German heiress, was successful before the Appeal Court who ruled in her favour that a contract that she and Mr Granatino signed before their marriage should be upheld.

In essence, the agreement made provision that in the event of the breakdown of marriage that Mr Granatino would not make any claims against the assets of Ms Radmacher that she had accumulated before or prior to the marriage.

The prenuptial agreement between the parties was in essence a document drawn up out of the jurisdiction of England and Wales and in fact prepared in Germany.

On the question of giving such agreements a greater recognition Lord Justice Thorpe giving the lead judgement said: "In future cases broadly in line with the present case on the facts, the judge should give due weight to the marital property regime into which the parties freely entered. This is not to apply foreign to

English tradition. It is, in my judgement, a legitimate exercise of the very wide discretion that is conferred on the judges to achieve fairness between the parties to the ancillary relief proceedings".



What therefore does the case of Radmacher establish?

This case appears to give a certain legitimacy to prenuptial agreements, however this is a developing area of Law and it remains to be seen how courts will treat such agreements post Radmacher.

For advice on pre or post nuptial agreements please contact Colin Grooms or Amy Walpole.



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