



Welcome Newsbrief 2008

Welcome to the Rogers & Norton Newsbrief in which we aim to update you on recent developments at R&N and, hopefully, one or two topical legal issues.

The last six months have been very busy at Rogers & Norton. We have seen intense activity on the business front, with clients looking to sell their businesses prior to 5th April to maximise their tax position. Thankfully, following yet another change of heart by the Chancellor, Entrepreneurs Relief, further details of which are included in the Newsbrief, has been introduced which has mitigated the change in the tax regime for some.

We have also seen the introduction of the first woman partner at Rogers & Norton. Amy is a local girl who trained with R&N and, having qualified with us, has impressed us with her enthusiasm and professionalism and therefore we are delighted to welcome her as a partner at Rogers & Norton. Amy has introduced very successfully a Professional Ladies Lunch Club, details of which, again, are included in the Newsbrief.

Finally, a further upgrade in the firm's computer technology (which seems to have been ongoing during the entire time I have been a partner of the firm) has recently been introduced which, following the usual teething problems, I am sure is going to enhance our efficiency and ability to provide an even better service to our clients.

I hope you will find something in the Newsbrief which is of interest. Naturally if there is anything on which you would like advice, please do not hesitate to contact us.



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New Partner Appointed



Managing Partner Richard Etheridge
& new Partner Amy Walpole



First female Partner appointed

We are delighted to welcome our first female Partner to the Practice. Amy Walpole started working for us as a secretary then a trainee and has become Partner in just 6 years. Amy specialises in family law where she is a trained collaborative lawyer and a member of Resolution with expert knowledge of matrimonial law including divorce, ancillary relief, Children Act matters and cohabitee disputes. Amy is also a committee member for Norfolk Resolution.

Amy returned to Norwich in 2002 after completing her Law studies in Guildford and whilst her typing skills were not brilliant the Firm were impressed by her enthusiasm and offered her a training contract. Amy commented "It's quite ground-breaking having a woman Partner and I don't think the men know what they have let themselves in for. I aim to bring in a new outlook and a family perspective and that's what other Partners are looking for - a different perspective around the Partnership table. I also have a lot of motivation and drive and new ideas, I'm quite forward thinking."

Amy joins her fellow Partner Colin Grooms in the family law department providing services requiring the utmost sensitivity and understanding of issues.



Andrew Crotch - 40 years on

Many congratulations go to our Consultant, Andrew Crotch who has celebrated over 40 years in the legal profession since qualifying as a lawyer all those years ago. This is an amazing achievement. Andrew joined Rogers & Norton with his staff in 2000 after the merger with Crotch Partnership.



For she's a jolly good Fellow

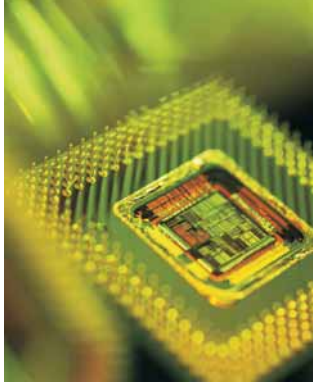
We are delighted to announce that on the 28th February 2008 Hannah Rudling qualified as a Fellow of the Institute of Legal Executives.

Hannah joined Rogers & Norton in 1997 as an Office Junior and was swiftly promoted as secretary to the Practice Manager. She joined the firm's Personal Injury Department in 1999 and has studied for the Fellow of the Institute of Legal Executive examinations. Hannah completed the examinations in June 2007. It is normal following the completion of the examinations to serve a two year period before being admitted as a Fellow. On this occasion the Institute have waived Hannah's two year training period given the extent of her knowledge and experience gained whilst working in Rogers & Norton's Personal Injury Department.

Commenting upon the promotion Mark Hambling, a Partner in the firm's Personal Injury Department said "I am delighted that Hannah has achieved the goal of becoming a Fellow of the Institute of Legal Executives. The fact that Hannah has qualified and been granted exemption from the two year qualifying period is testament to Hannah's hard work and the quality of the training and support that Rogers & Norton have provided to Hannah during her examinations."

Hannah undertakes a variety of personal injury claims. She undertakes work relating to road traffic accidents, accidents at work, accidents in the street and criminal injury claims. She is happy to consider cases on a No Win No Fee basis and is experienced at running cases from the outset to conclusion.

Hannah can be contacted on 01603 675621 or hr@rogers-norton.co.uk.



R&N take a 'Liberated' approach to I.T.

We have recently completed conversion of our accounts and case management packages to Linetime's "Liberate" system. This amounts to a significant investment and reflects our wish to embrace technology and the benefits it brings in terms of both efficiency and ultimately value for money for our clients.

The major benefit of the new integrated system is that as well as providing basic case management and document production facilities as with our previous system, we now have the ability to tailor it to our specific needs and work types and to add-on additional functionality. 'Liberate' offers a considerably more flexible and integrated approach than before, linking directly to a number of on-line service providers for searches, ID checks etc. In some cases it will also enable introducers and clients to track the progress of transactions and cases on line.

Alongside computerised document production, email, diaries, and easy access to accounts information which we have come to expect from case management software, Liberate also allows users to produce bills, cheque requests and management reports on-line resulting in significant savings both on administration time and paper.

We first installed accounts software approximately 12 years ago writing our own very basic case management software to go with it before installing Linetime's first integrated package some 8 years ago. At the time of each installation we considered that we were at the forefront of the use of technology in law firms and having now installed the new system alongside our existing digital dictation software we are pleased to once more be 'cutting edge' and to be able to pass on the benefits to our clients in terms of efficiency and keeping our fees competitive.

Call Credit Online Identity Checks

The introduction last year of Call Credit has enabled the Firm to carry out automated identity and money laundering checks and avoid clients having to produce passports and utility bills.



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Entrepreneurs Relief

Taper relief is dead, long live entrepreneurs relief

Following the changes to capital gains tax the owners of businesses were rightly concerned as to the impact upon them if they sold their businesses. However, for many small to medium sized businesses owners the introduction of Entrepreneurs Relief has meant that their tax position on disposals is not nearly as bad as first anticipated.

Entrepreneurs' Relief is a Capital Gains Tax concession which was brought in after much protest following the pre-budget report last October when the Chancellor declared that taper relief and indexation allowance were to be abolished.

The new entrepreneurs relief reduces the rate of capital gains tax from 18% to 10% on the first £1 million of gains arising on the sale of all (or part) of a business or shares in a company arising on or after the 6th April 2008. This is a lifetime allowance which means that it can be claimed any number of times up to the lifetime limit of £1 million. Capital gains tax of 18% will apply on any amounts above this limit.

There are a number of conditions which apply to business owners who wish to use the Entrepreneur's Relief:-

- The relief will only apply to gains arising on disposals of the whole or part of a trading business (which does not include letting businesses other than furnished holiday lettings)
- The relief only applies to:
 - individual taxpayers (either alone or in partnership)
 - owners of a trading business carried on alone or in partnership
 - gains on disposals of shares (and securities) in trading companies provided that the individual making the disposal a) has been an officer or employee of the company (or of a company in the same group of companies) and b) owns at least 5% of the ordinary share capital of the company and that holding enables the individual to exercise at least 5% of the voting rights in that company.
 - trustees where the beneficiary has a life interest in the assets or shares being sold and is involved in the carrying on the business or is a director or employee of the trading company
- Where a business is not disposed of as a going concern, the sale of assets used in the business or a company will only qualify for relief if that sale is associated with sale of part, or all of the business or the shares in the company. The sale of an asset in isolation will not qualify for relief if a company director who owns the premises from which the company is operated sells the premises at the same time as he sells his shares in the company, the sale of the premises may count as an 'associated disposal' and any gain may attract entrepreneurs relief.
- Where a business is not disposed of as a going concern but simply ceases, relief will be available on gains on assets formerly used in the business and disposed of within 3 years of the cessation of the business.

There is only a one year qualifying period and for shareholders this means that you must own your shares for at least one year prior to the date of the disposal.

All in all whilst the initial changes made by the Government to capital gains tax were received with doom and gloom the introduction of Entrepreneurs Relief will help a lot of small business owners looking to retire.

Here at Rogers & Norton we understand the complexities and issues that arise when buying and selling businesses and companies and we are able to help you deal with these in a down to earth way. For more information please call Richard Etheridge on 01603 675 627 or Lauren Flint on 01603 675 605 and we will be pleased to advise and provide you with an estimate of our costs.



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Landlord & Tenant Legislation To re-possess or not re-possess?

Landlord & Tenant legislation can be a minefield. In the present financial climate more commercial and residential tenants are defaulting with payment of their rent. Sometimes they may be in breach of other terms of their Lease or Assured Shorthold Tenancy Agreement (AST).

In such a situation it is essential that any landlord obtains legal advice as to the various options available to them and the best way of recovering the premises and/or outstanding rent and other amounts due.

If the premises are residential (or indeed mixed commercial/ residential) Landlords also need to be aware of the Protection from Eviction Act 1977 and the rights of a residential tenant and other classes of occupiers.

There are various ways of dealing with arrears of Rent or breaches of covenant and Landlords should be aware of the following:-

Commercial Tenants:

- Section 146 Notice – remedial and irremedial breaches
- Demand for recovery of rent.
- Distraint for rent arrears.
- Peaceable re-entry.
- What amounts to an act of waiver of forfeiture
- Forfeiture proceedings through the Court.
- Applications for relief from forfeiture by Tenant
- Separate proceedings for recovery of rent arrears, insurance rent and service charges.
- Notices in respect of repairs.
- Dilapidations Claims
- Enforcement of Orders for possession or money judgements
- Negotiating Surrenders
- Pursuing Guarantors
- Effect of Bankruptcy, Administration or Liquidation of the Tenant
- Statutory Demands, Winding Up and Bankruptcy Petitions

Residential Tenants:

- Implication of the Tenancy Deposit Protection regulations.
- Section 8 Notices and Section 21 Notices – (There are two different types for an assured shorthold tenancy)
- Accelerated Court proceedings following termination of an AST
- Alternative Court Proceedings for possession, breaches and recovery of rent.
- Warrants of possession – Bailiffs.
- Separate Court proceedings for recovery of rent arrears only
- Enforcement including attachment of earnings and charging orders.

Both:

There may also be situations where there are trespassers/squatters or an occupant has a Licence only to occupy. In these cases different steps should be followed and alternative Court proceedings issued.

For advice upon your options and most sensible or cost effective way forward, please contact Janice Parisi. Janice has acquired expertise in these areas over a number of years and undertaken the Landlord & Tenant Fellowship ILEX examination. She works closely with Partners in our commercial property team, Bruce Faulkner and Robert Pyke.



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Companies Act 2006 Confused ?

Confused by the new Companies Act and what is in force? This is no surprise because like a lot of legislation introduced these days it comes into effect in stages. Set out below are some of the more significant changes and the dates on which they will come into effect.

6th April 2008

- **Company Secretaries** – Private Companies are no longer required to have a company secretary (although they can still do so if they wish). Public Limited Companies will still be required to appoint a secretary.
- **Accounts and Reports** –Further, duties have been placed on the directors of the company to prepare a report which must contain details of the principal activities of the company in that year and the names of the directors. There is also the requirement for a “business review” which provides a fair review of the company's business within the reporting period. It must be a balanced and comprehensive analysis of the development and performance of the company with a description of the principal risks. This applies to all companies, except companies that file small company accounts.
- **Audit** – Small and dormant companies are exempt from the requirement that their accounts must be audited; however the period to file accounts has now been reduced from 10 months to 9 months for a private company (and 7 months to 6 months for public companies). Private companies will not be obliged to “lay” its accounts at a general meeting.

The Act also introduces offences in connection with the auditors report for “knowingly or recklessly causing a report to include anything that is misleading, false or deceptive or failing to include a statement of a problem with the accounts”.

Departing auditors are required to make a statement giving details of their departure. If the company is unquoted or private a statement may be made that there is nothing that should be brought to the attention of the shareholders.

- **Statutory auditors** - As under the Companies Act 1985 there are detailed provisions relating to the appointment of auditors and the duties they must comply with. For example if someone “knowingly or recklessly furnishes information which is misleading, false or deceptive in a material particular” then they could risk imprisonment for up to two years.
- **Execution of Documents** - In addition to the existing requirements for a document to be validly executed (i.e. either by a Company Seal, or by signature on behalf of the company by two authorised signatories (director or a secretary)) a third option has been introduced whereby companies can execute documents by the signature of one director in the presence of an independent witness.

1st October 2008

- **Directors Duties** - Companies will have to have at least one director that is a natural person rather than a corporate entity. Directors will only be able to be appointed to office if over 16 years old.

Further duties will be placed on directors to avoid conflicts of interest, not to accept benefits from third parties and to declare an interest in a proposed transaction or arrangement.

Sections 182-187 contain the provisions relating to directors declaring an interest in an existing transaction or arrangement and how that interest should be declared. Section 183 makes it an offence to fail to disclose an interest with the penalty for doing so being a fine.

The Court will have power to grant relief in certain situations, particularly where proceedings relate to negligence, default, breach of duty or breach of trust if it appears that that person acted honestly and reasonably.



1st October 2009

The repeal of the restrictions under the current Companies Act 1985 relating to financial assistance for the acquisition of shares and the "whitewash" procedures has now been postponed to 1st October 2009.

The commencement of a number of other provisions of the Companies Act 2006 has also been delayed until 1 October 2009 to allow time for Companies House to make the necessary arrangements for the implementation of this legislation. The remaining changes include:

- Relaxation in the requirements for forming a company.
- A new offence of knowingly or recklessly delivering information to the Registrar which is misleading, false or deceptive in a material particular. There will also be civil liability for any untrue or misleading statements in the Directors' Report.
- Company loans to directors can be approved by ordinary resolution.
- The definition of "substantial property" will exclude assets worth no more than £5000 as opposed to £2000.
- The abolition of authorised share capital.
- Purchase by a company of its own shares will no longer need authorisation in the Articles, but the Articles can restrict or prohibit this.
- Extraordinary and elective resolutions are abolished.
- Private companies will not be required to hold an AGM. A written resolution will be allowed for any purpose except the removal of a director or auditor.
- The register of members will be open to public inspection, subject to offences in connection with this:
 - i. By the company and officers in default through failure to comply with the request;
 - ii. By the person making the request where it is knowingly or recklessly making a misleading, false or deceptive statement;
 - iii. By a person in possession of the information following a request doing anything which results in the information passing to another where he has reason to suspect that the person may use that information for an improper purpose.

If you have any questions on this or would like further information on the changes under the Companies Act 2006 please contact either Richard Etheridge on 01603 675634 or Lauren Flint on 01603 675605.



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Personal Injury Claims Your right to choose ?

Our Personal Injury Department handles many cases ranging from straightforward modest claims to complex cases involving difficult points of law and high financial values.

Whilst many clients are aware that the firm has a Personal Injury Department which provides a free initial interview to assess any claim, sometimes they do not get as far as being able to contact Rogers & Norton because they may have been approached by their own insurers.

It has been common for many years that motorists will have attached to their motor insurance, a policy of legal expense insurance. It is becoming more frequent that similar insurance is attached to other policies such as home contents and building insurance.

These policies assist and will often insure a client for their legal fees for pursuing a claim and their opponents costs if the claim is unsuccessful. In those respects such policies are worth investigating and often an acceptable alternative to a No Win No Fee Agreement.

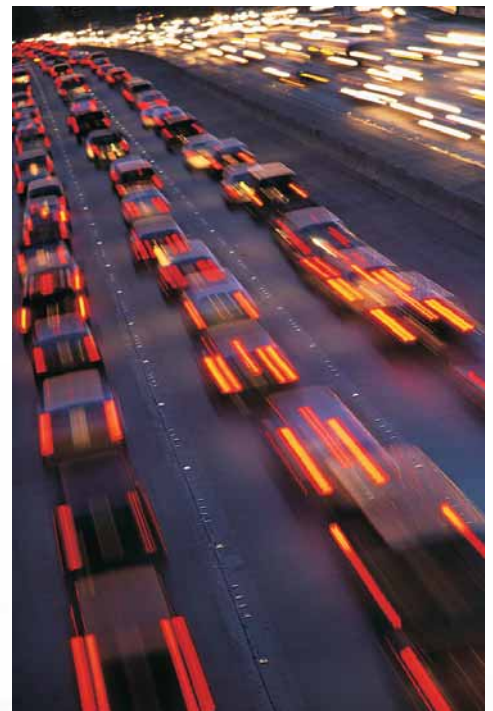
As we are regulated by the Solicitors' Regulation Authority, members of The Law Society Personal Injury Panel and the Association of Personal Injury Lawyers we are required to investigate these policies before recommending to a client how best to fund their case. Whilst we will always be happy to consider a No Win No Fee arrangement if an insurance policy is available we would recommend using it if it is in the client's best interests.

It is still possible for a local solicitor to act even though the insurers may tell you otherwise

Unfortunately the providers of these insurances will often seek to persuade a client that whilst they are happy to provide them with insurance cover that their needs will be better served by one of the insurers "panel solicitors" who may be at the other end of the country. Many clients are persuaded by this but fail to appreciate that they are able to exercise choice in using their own solicitor. At Rogers & Norton we are well versed in dealing with requests to insurers to provide cover for the client to use ourselves notwithstanding the fact that the insurer may wish the case to go to a panel solicitor for a variety of reasons, often driven by financial incentives.

The advice that I would provide is that if you are unfortunate enough to be involved in an accident, seek local advice first and let your solicitor investigate the options of funding your case and manage any claim on your Before The Event Insurance if that is available. Generally it is still possible for a local solicitor to act even though the insurers may tell you otherwise.

Mark Hambling is a Partner in Rogers & Norton's Personal Injury Department. He specialises in dealing with all types of accident claims and offers a free initial interview to any prospective client either at their home, in the office, by telephone or by email exchange.



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Deals Done

2007 - 2008

2007/2008 was a particularly busy year involving completion of a number of sales and purchases of local businesses. For confidentiality reasons it is not possible to give details of all of them; however, taking into account the diversity of the businesses dealt with and the nature of the deals, the level of expertise and experience that Rogers & Norton are now able to provide to our clients continues to grow. We therefore look forward to hearing from you during the coming months if you are looking to buy or sell a business, your company or, indeed, to take in new shareholders or investors.

To give you a flavour of the local businesses with which we have been involved, we set out below just a few of the matters which Richard Etheridge and his team dealt with,:

- During the early part of 2007 we acted for the management team in connection with the management buy out of Wymondham based company Barley Chalu Limited, one of the leading aluminium coating companies in the UK.
- In August 2007 we completed the successful MBO in respect of DGT Steel & Cladding Limited, which is based at Lenwade. The company acquired is a substantial trading company in the building industry, which is the owner of Debbage & Tubby Windows and also three non-trading companies and one Australian trading company.
- In October we acted for Haseley Automotive Limited in connection with the sale of the entire issued share capital of Sorensens Motors Limited, the owners of the BMW franchise in King's Lynn.
- In November we completed the purchase of Café Parisien Limited, the owner of a licensed leasehold premises and café in Norwich. Again, this was a share purchase.
- On 21 December 2007 we completed the acquisition of Anglia Projects & Developments Limited. The acquisition involved the purchase of the entire issued share capital of the company which is the owner of a substantial development site at Riverside, Norwich.
- In January 2008 we completed the management buy out through a newly formed company of Gt Yarmouth Heating Company Limited.
- During the course of March and April, the busiest part of the year, we were involved in the disposal of a number of businesses and shares too numerous to mention, from which we are still recovering.
- Needless to say, May has been somewhat quieter but we have already received instructions for acquisitions, disposals, MBO and investor situations; therefore, despite the 'credit crunch' we are very optimistic that there are still deals to do.





Charity Golf Day

A Golf Day organised by our Practice manager Graham Knights was held at Sprowston Manor on Friday 18th April 2008 with all proceeds being given to Asthma UK to boost their funds. 24 teams of four players, including many local business contacts played the course in horribly cold and windy conditions but were then warmed by an excellent dinner and prize giving. The individual event was won by Joanne Berry, one of six ladies playing on the day but her handicap was only 5! The team event was won by the "Awesome Foursome" - (David Littlechild, Peter Scott, Stephen Gibling and Stuart Bizley) with 93 stableford points.

A very sincere thank you to the many businesses and individuals who supported the event which raised £3200 on the day. Special thanks to Mark Townsend of Barclays Commercial for matching the raffle ticket sales, Bryan Gunn for providing Norwich City items, Colin Fox of Norwich Office Supplies for giving excellent raffle prizes and Graham Woodford of PKF for funding the prizes. To boost fundraising further a selection of rounds of golf at many excellent courses were offered to guests in the evening by a blind auction.

The R&N Team consisting of Graham Knights, Alan Carman, John Clark & John Wood wore polo shirts kindly donated by Woodfordes Ales but the team ended up wishing they had been long sleeved because of the cold weather !

The next event in the sporting charity calendar will be the Annual Rogers & Norton Golf Day at Bawburgh on September 12th when we will raise money for the MacMillan Nurses World's Largest Coffee Morning. Places are limited and interest, as always for this day, has been strong. If you wish to enter a team please contact Graham on the link below for more detail and cost.

Graham Knights Practice Manager - 01603 675618 or gjk@rogers-norton.co.uk



All aboard!

The Practice is pleased to support a new initiative in Norwich City Centre created by Ian Williams, a local entrepreneur who has launched a road train service ferrying passengers around the interesting parts of the City on a daily basis throughout the summer months. We have taken the opportunity to advertise upon the carriages and are already receiving lots of favourable comments from clients who have seen our signage. We wish Ian every success with this venture and I guess Rogers and Norton can now truly be called an "upwardly mobile firm" as a result of this sponsorship!



Diamonds are forever

The Rogers & Norton Charity Balls are about more than raising much needed funds for charity. At our last Ball in 2007 we held an event whereby on the evening a guest would walk away with a diamond ring worth over £2000. The lucky person was Jamie Mulhall of Mayday Office Systems and as a result of his good luck he took the opportunity to propose to his girlfriend Kate Mamo. We are delighted to say that she accepted his proposal and the wedding is set for 30th May 2009. Congratulations to both Jamie and Kate who are seen opposite with managing Partner Richard Etheridge. We wish Jamie & Kate a very happy and healthy future together.



Big C Cuppa

The Partners and staff of Rogers & Norton have just completed the Big C Cuppa week. A gruelling 5 days of cake eating all in aid of the Big C Appeal and needless to say there was little difficulty in convincing people to part with 50p for a slice of cake! A total of £164.60 was raised for the charity and our thanks go to the people who made and donated the cakes for the week.





Business Houses League

The Practice continues to support local football at grass roots continuing to sponsor the Norwich Business Houses League, the oldest League in the County of Norfolk. We have now been league sponsors for eight seasons and in that time the league has progressed tremendously thanks in great part to the enthusiasm and commitment of the Chairman, Michael Banham and his Committee.

The League is blessed with having a dedicated team of officials on the Committee and only last year, achieved another first for the league by the appointment of Lucy Jermy, the first female Secretary. The link between the Practice and the league is strengthened by the fact that our Practice Manager has been appointed a Vice President of the league.

The current season has just finished and the Shoe Trades Cup Final was played at Wroxham FC. Congratulations go to Drayton FC of the First Division who lifted the cup but were taken all the way by Marlborough Arms FC of the Third Division who were unlucky to lose a very close fought game. Engraved tankards will be presented to the rookie referee of the year and the outstanding referee of the season at the AGM on June 12th. This is a unique initiative offered to the league by Rogers & Norton who wanted to especially recognise the efforts of the man in black who gives up every weekend to support local football through rain and shine.



PLONC

Amy Walpole is continuing to host lunches for the Professional Ladies Only Networking Club, affectionately known as PLONC, to great success. Our members have increased to over 100 ladies with each event attracting approximately 50 attendees. As the name suggests, the lunches provide an excellent opportunity for our members to make new contacts and to refresh old ones while enjoying a glass of wine and a light lunch. Our lunches are held bi-monthly at various city centre locations with a guest speaker providing our ladies with an insight into the speaker's area of expertise. We are also hosting an outing to Ladies Day at Newmarket Races, which has proved quite popular.

If you wish to be added to our members' list or simply require further information about any of our events please contact Amy on ajw@rogers-norton.co.uk



WIMPS Lunch Club

The WIMPS Lunch Club is now in its 20th year and continues to offer an alternative to local business men and women to the usual formal lunches that are available around the city. The lunch club is run by our Practice manager Graham Knights on a very informal basis and we are always looking for new members to come and enjoy a very sociable lunch at Don Pepe restaurant in St. Benedicts Street. The club meets on every 2nd Wednesday of every alternate month with particular emphasis upon the Christmas lunch which always tends to be very popular and fills the restaurant. For further information on the lunch club please contact Graham Knights on 01603 675618 or gjk@rogers-norton.co.uk.





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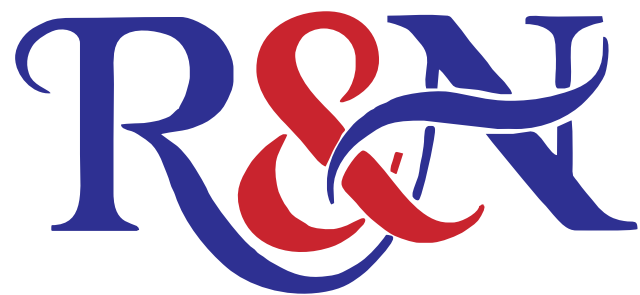
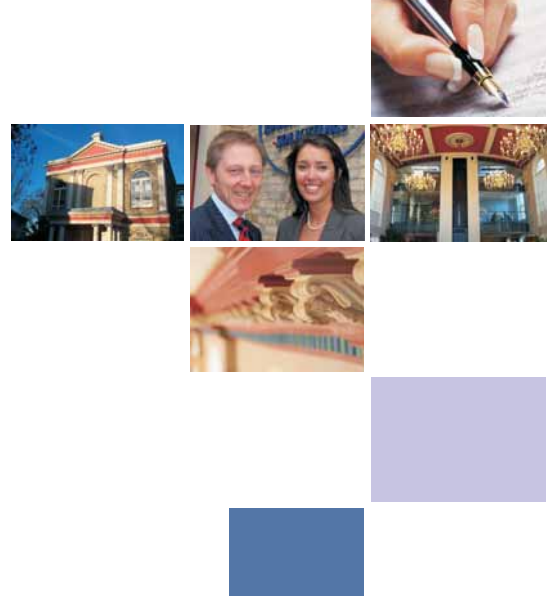
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