Autumn 2025

SHAKESPEARE MARTINEAU

LIFE TIMES

Build Your Dream Home:

A Journey of Vision, Value and Legacy

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hello

As the leaves begin to change, one question comes to the forefront: what will the Autumn Budget bring, and how will it affect people and businesses? In this edition, we share our optimistic wish list alongside our more realistic predictions for the season's budget.

Family dynamics are becoming increasingly diverse, and estate planning must adapt accordingly. We explore the unique considerations for blended families and highlight non-court dispute resolution options to help resolve family matters efficiently and cost-effectively.

In the family law arena, we also focus on pensions in divorce, a topic often overlooked amid immediate concerns such as the family home, child arrangements, and financial support. Pensions, however, can be among the most valuable assets in a marriage, sometimes even surpassing the value of the family home.

Beyond family law and private client topics, we explore what's involved in building your dream home, from sourcing the perfect plot to collaborating with world-class architects and navigating planning requirements.

We hope you find this edition both insightful and practical as you plan for the season ahead.

Suzanne Leggott
Partner and Head of Private Wealth

Autumn Budget 2025

Wishful Thinking or a Tougher Tax Landscape?

Autumn Budget 2025 tax changes wish list and predictions for businesses and families.

With the Autumn Budget 2025 scheduled for 26 November, individuals, families, and businesses are bracing for potential UK tax changes. We've reviewed the promises of the past year and set out two perspectives: our wish list of sensible reforms, and our predictions for what the Chancellor may actually announce.

Wish list

Our wish list centres on creating stability, encouraging business and entrepreneurship, avoiding further barriers to growth and rectifying some of the changes previously announced that aren't working.

1. Protect inheritance tax reliefs – APR and BPR

Agricultural Property Relief (APR) and Business Property Relief (BPR) protect family businesses from Inheritance Tax (IHT). From 6 April 2026, up to £1m of qualifying value is exempt, with excess only getting 50% relief. Without reform, this risks substantial IHT liabilities and wealthy investors buying farmland, leaving farmers as tenants.

2. Reverse the national insurance increase

Employer national insurance contributions have already frozen recruitment and suppressed wages, creating additional challenges for businesses trying to grow. Reversing the rise would ease pressure on employers and support workers across the UK, helping to stimulate job creation and wage growth.

3. Restore indexation relief for capital gains tax

Capital Gains Tax (CGT) was increased in the Spring Budget, with further hikes likely to appear in the Autumn Budget. To ensure some degree of fairness, indexation relief should be reinstated so taxpayers are not paying tax on gains caused by inflation rather than genuine profit. Without this relief, investors, business owners, and property sellers could face significantly higher tax bills on gains that do not represent real economic benefit.

4. Unfreeze the nil rate band for inheritance tax

The IHT nil rate band has remained fixed at £325,000 since 2009 and is frozen until at least April 2028. Over the same period, property values and the overall cost of living have risen significantly. This freeze undermines the original intent of the nil rate band and places an increasingly heavy burden on families trying to pass on wealth across generations.

5. Greater certainty through pre-clearance

UK tax legislation is extremely complex, and there are only limited circumstances where taxpayers and their advisers can approach HMRC and seek "pre-clearance". The aims of such clearances are generally to ensure that individuals and businesses have certainty on tax treatment before they enter into a transaction, or to enable them to declare and pay taxes correctly. An explanation of HMRC's pre-clearance opportunities would be very welcome.

6. Reduce corporation tax

A reduction in UK corporation tax could incentivise businesses to invest and grow domestically. Lower rates would encourage international companies to establish in Britain and help retain existing businesses. A cut would free funds for reinvestment into expansion, innovation, and employee development, creating a more dynamic economy.

Predictions

Shifting from optimism to realism, we outline five key areas where we expect potentially significant UK tax reforms:

1. Growing pressure for landlords

One possibility is the introduction of national insurance contributions on rental income, which would add a new layer of tax on top of existing income tax and restrictions on mortgage interest relief. Such a move would further squeeze landlords' profit margins, potentially forcing smaller property owners out of the market and reducing the availability of rental housing. For tenants, this could mean higher rents as landlords attempt to offset rising costs.

2. Capital gains tax increases

There are several possible changes to capital gains tax including:

- Aligning CGT rates with income tax, raising the top rate from 24% to 45%, affecting business owners, landlords, and investors.
- Restricting or abolishing main residence relief for "higher-value" properties, meaning sales of family homes may no longer be tax-free.
- Removing base cost uplift on death, so beneficiaries face IHT and inherit the original purchase price, creating large CGT bills on sale.

3. Inheritance tax

In terms of IHT, we may see changes impacting the Potentially Exempt Transfers (PET) rules, including the following:

- Currently, gifts are exempt from IHT if the donor survives seven years, with a reduction in the IHT rate payable from 40% if the donor survives between three and seven years. We may see an increase in the required survival period, perhaps to 10 years.
- The introduction of a "gift tax" on any substantial gifts that is immediately chargeable to IHT, although potentially at a rate lower than 40%.
- An introduction of a lifetime cap on the amount that can be gifted before some form of IHT or gift tax is applied.

4. Pension tax relief cuts

Pensions remain attractive for reform, with options including a flat 30% relief or further restrictions for high earners.

Speculation also surrounds reducing the 25% tax-free lump sum available at retirement, which could significantly alter planning strategies for those relying on this element for financial security.

5. The prospect of a wealth tax

Perhaps the most controversial potential measure in the Autumn Budget 2025 is the potential introduction of a wealth tax, an annual levy on individuals simply for owning assets above a certain threshold. This could include property, investments, and even personal possessions of high value, adding yet another layer of complexity to the UK tax system, potentially requiring detailed annual valuations and significant additional reporting for taxpayers.

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The Good and not so Good Implications of Standish for Farming Families upon Divorce

On 2 July 2025 the Supreme Court handed down its judgment in the long running case, Standish v Standish, upholding the Court of Appeal decision and dismissing Mrs Standish's appeal. The decision highlighted themes that will have a particular bearing on farming families and family run companies by:

- Advancing the legal principle of "sharing" matrimonial assets on divorce;
- Confirming that the sharing principle does not apply to non-matrimonial assets and;
- Providing new guidance as to the circumstances in which non-matrimonial assets may become matrimonial and therefore subject to the sharing principle between a couple on divorce.

The sharing principle applies to matrimonial property/assets and should normally be on an equal basis. While there can be justified departures from the 50/50 principle, equal sharing is the appropriate starting position. The sharing principle does not apply to non-matrimonial property/assets.

What is and what is not matrimonial property?

Each case is fact specific – Standish involved a transfer of £80m in assets between spouses. The husband argued the transfer was for the specific purpose of tax planning, for the benefit of the children, and it was not intended to benefit his now ex wife. It was held that the asset was not matrimonial and was not to be shared with the wife upon divorce. The asset had not been "matrimonialised". The wife received a £25m share of what was matrimonial property.

This is some comfort to those wanting to plan and move assets for tax planning purposes, particularly inheritance tax, or for example a school fees fund, but recording the intention and keeping the asset separate and therefore non matrimonial will be a key factor to protect it on any future divorce.

Also, while helpful guidance on what is and is not matrimonial property and the clear statement that there is no legal right to share property found to be non-matrimonial, non-matrimonial assets could still be subject to a claim from a spouse on divorce under other principles of "need" and "compensation". This could typically be in lower value cases where sharing matrimonial property is insufficient to meet the needs of the parties and children.

Matrimonialisation of assets

The court went on to consider how an asset that started as non-matrimonial could over time be "matrimonialised" and therefore subject to the principle of sharing. It will be important to look at how the parties have dealt with the non-matrimonial assets and whether, over time, they have treated the asset as shared. There should be intention by the contributor to share non-marital property. Legal title to the asset is not a determinative factor – it could be in joint names or in one spouse's name.

Family farms

In family farms parents often gift land or property to a child and the child uses that asset with their spouse with an intention that it becomes their family farm, their family home, their family holiday lets, or their family farm shops, and so on, but it becomes "shared". A gifted building that is renovated and improved can become a family home and matrimonial. Those assets over time can become matrimonial and can be shared on divorce (the starting point being 50/50). There could however be claims to depart from 50/50 based on need or unmatched contributions.

This leaves farms with difficult issues as to how to meet the claims and needs of spouses on divorce, balancing the wish to keep farms intact, illiquid assets and considering how to plan for future tax payments. Compromises may involve selling part of the property to third parties or transferring parts to a spouse. Trusts may also be useful in trying to keep assets as intact as possible.

How to avoid risks and uncertainty

When planning transactions and transfer of assets, be clear about intentions and document them. Consider written legal agreements.

Have early conversations. Take advice, be it on tax, legal, accountancy, planning, partnership or shareholder agreements.

Keep assets separate if the intention of a transfer is that they are not for the benefit of the recipient.

Pre-nuptial agreements before getting married can provide considerable protection from sharing matrimonial property on divorce. If the marriage has already taken place post-nuptial agreements offer similar protection. Both agreements need some careful thought – the terms must be fair and meet "need", and consideration should be given to financial disclosure between the parties and the opportunity for each party to take independent legal advice.

Consider other life events such as death, incapacity to deal with assets (physical or mental) and bankruptcy. Prepare with wills and Lasting Powers of Attorney.

While the case of Standish deals with married couples and divorce, the law in relation to couples who live together and are not married is the subject of much legal and policy debate and there are calls for a change in the law. So, be aware that in future, the rights of non-married parties in a relationship may be enhanced.

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Estate Planning for Blended Families

A blended family is a family unit formed when two partners come together with children from one or more of their previous relationships. In England and Wales, there are an estimated 781,000 blended families – that's 1 in 3 families in the UK, so these days it is not an uncommon type of family unit.

Blended families often bring joy and diversity to family life, but also complexity and unique legal considerations. As more couples merge lives with children from previous relationships, careful legal planning ensures financial protection, clarity around parental responsibility, and peace of mind when unexpected events occur.

Why is estate planning important for blended families?

It is highly important for most blended families to undertake an estate planning exercise to ensure your wishes are met. Steps can be taken to ensure that the surviving partner is provided for if one of them dies, while balancing that individual's wishes to ringfence part of their estate for their respective children.

Having these early, albeit difficult conversations surrounding sensitive topics as a family unit can help to manage expectations, provide peace of mind, and identify appropriate strategies to manage the estate planning process.

The role of a well-drafted will

A well-drafted will is the cornerstone of the estate planning exercise, especially for blended families as these rules will often largely favour a surviving spouse or civil partner, on whose death the estate may entirely pass to their own children, without any share of estate to the initial partner's children. On the other hand, some may wish to provide directly to their stepchildren, which does not happen automatically and would need to be directly provided for in a will.

Solicitors frequently work in tandem with financial advisers, who are able to establish financial planning strategies involving investments, pensions and life insurance policies to work towards a common goal. This multidisciplinary approach ensures that the full ambit of an individual's family and financial life is given proper consideration.

Utilising trusts in estate planning for blended families

How family investments and homes are held can profoundly impact inheritance and financial security.

- Jointly-held investments will pass to a surviving account-holder, regardless of what a deceased's will tries to direct.
- Properties held as "joint tenants" pass in a similar way.
- Properties held as "tenants in common" do not; instead, a person's share of their ownership passes via their will, or the Intestacy Rules in the absence of a will.
- Many jointly-held homes in blended families will be held as tenants in common to ensure that each party's respective share can pass to their own children or into a trust.

Trusts are commonly used as a tool in this scenario, for example:

Life interest trusts can provide for a deceased's share of the home to be held for the benefit of the survivor to give them the security of a roof over their head, but ultimately ringfences this share so that on the survivor's death, this then passes to the first-to-die's children. This can be a very effective method of being able to "have your cake and eat it".

Other trusts can absorb an entire estate if required, again providing for the survivor, but coupled with powers for the trustees to exercise a discretion to make payments to children or stepchildren – for example, for educational or business needs, or to help them with a first step on the property ladder.

Your choice of trustees is critical when preparing a will, as they will be potentially be in a position of great power and responsibility. A non-binding letter of wishes can be helpful to provide moral guidance to trustees. Different trusts are subject to differing tax treatments on death and on an ongoing basis, so it important that this is given consideration at the right time.

Minor children

Legal parenthood shapes the decision-making authority in respect of minor children.

- Birth parents will always have parental responsibility.
- A married stepparent will only assume parental responsibility of that child if a formal agreement is undertaken – it does not happen automatically.
- Adoption would also require formal steps to be taken.
- A parent with minor children should always ensure they name a guardian or guardians in their will, as their wishes are given serious consideration, and may help that proposed guardian to secure a parental responsibility order.

Dispute resolution

Even well-structured agreements can face challenges, especially after a death at a highly emotional time. Early intervention with a solicitor or through alternative dispute resolution (ADR) methods can preserve relationships, reduce legal costs, and prevent the financial erosion of an estate. We have experts in both family law and contentious probate who can assist with this process.

Final thoughts

Blended families weave together histories, hopes, and responsibilities. A solicitor's expertise can convert uncertainty into clarity by drafting bespoke documents, securing children's rights, and safeguarding assets. By embracing proactive legal planning, blended families can focus on what matters most: nurturing relationships, creating lasting memories, and building a secure foundation for generations to come. Contact our team to explore the right estate planning approach for you.

Pensions in Divorce

The Asset too Important to Overlook

When separating or divorcing, most people focus on immediate concerns - who stays in the family home, how the children will be supported, and how day-to-day finances will be managed. But there's one asset that's often left out of the conversation – pensions.

This is a costly mistake. Recent research shows that women in the UK are losing an average of £77,000 in pension wealth after divorce. In many cases, pensions aren't ignored because they don't matter, but because they seem too complicated, or people simply don't know they're entitled to a share.

Are pensions included in divorce settlements?

Pensions are part of the overall matrimonial assets and can be divided using:

Pension sharing orders – splitting the pension pot fairly.

Pension attachment orders – receiving a share of the income when the pension is paid.

Offsetting – giving up a share of a pension in exchange for another asset (such as equity in the home).

While these tools exist, they're not used as often as they should be. A University of Manchester study found that fewer than 15% of divorces involved a pension sharing order, even though many divorces involve older couples approaching retirement.

Do pensions always need to be divided during divorce?

Not every divorce will result in pensions being split, but they must always be considered as part of the financial settlement. Whether a pension is shared depends on many factors, including the circumstances of the couple, the value of the pensions involved, and the overall balance of assets.

Where one party has built up a much larger pension - for example, after many years of employment while the other focused on childcare - pension sharing can help ensure both parties have sufficient retirement income. This is why the courts take pensions seriously, even if they are not immediately accessible.

For couples aiming for a clean break, pension sharing orders are often the most practical solution, as they divide the pension at the time of divorce, rather than leaving financial ties in place for the future.

How are pensions calculated for divorce settlements?

Pensions are valued using the cash equivalent transfer value (CETV), which represents what it would cost to transfer the pension benefits to another provider. This figure is usually supplied by the pension scheme on request.

Although the CETV provides a starting point, it doesn't always reflect the true worth of the pension, particularly for final salary or public sector schemes. This is another circumstance where specialist input from a Pension on Divorce Expert report would be highly recommended. These PODEs are typically jointly instructed by the parties, through their solicitors.

In divorce proceedings in England and Wales, all pensions must be disclosed, regardless of whether they were built up before or during the marriage. For pension sharing orders, a CETV must be obtained at the negotiation stage, to inform discussions on potential settlement and reach an agreement in principle.

Depending on the circumstances (such as the final basis of the settlement, time elapsed, and in particular the type of pension involved) it can also be beneficial to obtain a further CETV(s) before the final quantum of any order is finalised, to fine-tune the calculations.

Parties should also be aware of 'moving target syndrome' when it comes to pension sharing orders. Because it takes time to implement a pension sharing order, even after a court order is made (often a matter of months), the CETV of the pension against which the pension sharing order is implemented, will not be the same as the CETV contemplated by the parties and the court when the order was made.

What should you do?

If you're facing divorce, there are some key steps you can take to make sure pensions are dealt with properly and fairly:

- Make sure all pensions, including private, workplace, and state pension, are fully disclosed.
- Get expert advice if the pension is complex or difficult to value.
- Understand the long-term impact of any agreement, especially if you're considering trading pension rights for another asset.
- Avoid assuming pensions are too difficult to deal with or that they don't apply to you.

How we can help

Our specialist family law team regularly advises clients on pensions in divorce, including those with significant or technical pension assets. We'll help you understand your rights, gather the right information, and secure a settlement that reflects both your current needs and your future.

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Building Your Dream Home

A Journey of Vision, Value and Legacy

For many, a house is simply a place to live. But for some, a dream home is far more than bricks and mortar. It is a reflection of identity, ambition, and lifestyle – a space that works beautifully for your life today while creating a legacy for tomorrow.

From sourcing the perfect plot to working with world-class architects and navigating complex planning requirements, building a dream home is an extraordinary opportunity. It can also be a process full of hidden challenges and potential pitfalls. With the right team around you, it becomes a journey that is seamless, inspiring, and deeply rewarding.

Start with the vision

Every exceptional home begins with clarity of vision. For some, this might be a countryside retreat surrounded by rolling acres; for others, a striking contemporary residence designed for entertaining, wellness, or technology-led living. Increasingly, sustainability is also part of the brief – not only to reduce environmental impact, but to enhance everyday living. Many homeowners now aspire to Passivhaus-inspired design, drawn to its promise of stable, comfortable temperatures year-round, healthier air quality, and spaces that feel effortlessly calm and quiet.

Before you begin, ask yourself:

- How do you want to live, and what will truly elevate your lifestyle?
- Should the home accommodate future generations or evolving needs?
- How important are wellness, sustainability, and smart living systems to your ambitions?

Defining these priorities early helps ensure every decision – from site selection to interior details – aligns with your goals, avoiding costly redesigns and delays later.

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Finding the perfect plot

Prime plots are rarely openly available, often changing hands through private networks. Choosing the right one is the foundation of a dream home, and due diligence is essential. Views, privacy, and connectivity matter, but so too do the unseen constraints: planning restrictions, heritage considerations, environmental factors, and ownership structures. Addressing these at the outset ensures the land can deliver on your ambitions without unwelcome surprises.

Designing for lifestyle and legacy

A dream home should be both sanctuary and statement. Increasingly, bespoke designs combine innovation with timeless elegance, tailored to individual lifestyles. Wellness spaces such as gyms, yoga studios, or spas; smart technology for energy efficiency and security; and outdoor living areas for entertaining are now common features.

Sustainability has become central to high-end design, but not at the expense of luxury. Homes built with Passivhaus principles, for example, offer clean, filtered air; warmth in winter without draughts; and coolness in summer without reliance on constant air conditioning. They deliver comfort and tranquillity in ways that make the property feel indulgent, while also quietly future-proofing the investment.

Great architecture is not just about today; it ensures a home remains adaptable, relevant, and valuable for generations to come.

Planning – where projects are won or lost

Planning is often the most challenging stage, particularly in rural landscapes, conservation areas, or historic settings. Success requires aligning bold design with a persuasive planning case. Early specialist input can help anticipate objections, build trust with local authorities, and unlock potential while respecting the character of the site.

Choosing the right team

No dream home is created alone. The best outcomes come from carefully chosen teams of architects, designers, contractors, and project managers who share the same vision and standards. Alongside creativity and craftsmanship, discretion, efficiency, and strong legal protections are key. Robust contracts, clear warranties, and aligned expectations on cost and quality help safeguard both the project and the investment.

The financial landscape

Building a high-value home also raises important financial questions. Structuring ownership, planning for succession, and ensuring tax efficiency can all influence the long-term value of the property. Early advice helps avoid unexpected costs and ensures wealth is protected for future generations.

Specialist advisers can provide guidance on:

- SDLT and capital gains implications
- Ownership structures, including trusts and family arrangements
- Succession planning and protecting family wealth

Creating more than a home

Building a dream home is more than a construction project – it is a legacy-defining journey. With the right advice and support, challenges become opportunities, and the result is not just a house but a place of enduring value: beautiful, sustainable, and uniquely yours.

For further guidance on planning, design, or building your own dream home, Marrons can provide expert support at every stage of the journey.

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Grave Ownership in the UK

Laws, Deeds, and Transferring Ownership

What is grave ownership and why is it important?

Grave ownership refers to the legal right to control the use of a burial plot, typically known as the "exclusive right of burial." This right allows the registered grave owner to decide who may be buried in the plot and to request memorials or inscriptions.

Understanding grave ownership is crucial to avoid disputes among family members, ensure burial plans are respected, and comply with cemetery or churchyard regulations. While owning a grave does not mean owning the land itself, it generally grants control over its use for a specified period—often 50 to 75 years. Clear ownership ensures legal burial permissions and protects the legacy of the deceased.

Grave ownership laws in the UK: Key points to know

Grave ownership in the UK is governed by a complex mix of statutory law, common law, and individual cemetery or churchyard regulations. The most significant legal right is the "exclusive right of burial," typically granted by local authorities or private cemetery operators under a deed of grant. This right allows an individual to be buried in a specific plot, authorise further burials, and request headstone inscriptions.

Local authorities operate under the Local Government Act 1972 and grant burial rights for fixed terms (commonly 50–75 years). Private cemeteries follow their own rules, but similarly only offer burial rights, not land ownership. In Church of England churchyards, the land is owned by the parish priest in their corporate capacity, and burial rights are usually granted based on residency or parish connection, not outright ownership.

Case law such as *Reed v Madon* [1989] confirms that burial rights do not amount to land ownership. Regulations often determine who can be buried, what memorials are allowed, and what steps must be taken if disputes arise. Understanding the legal framework is essential to avoid complications later.

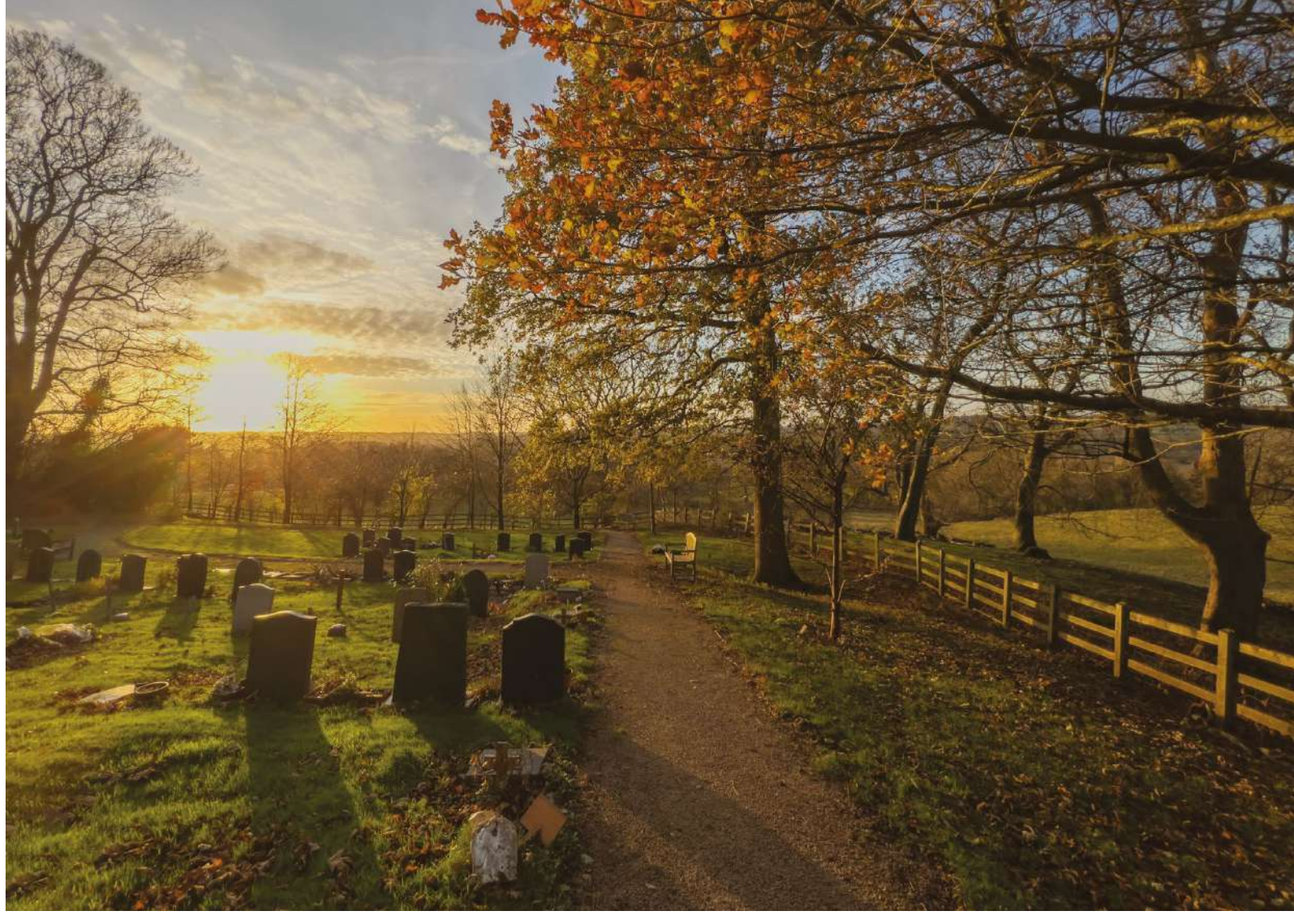
How to get a copy of grave deeds in the UK

To obtain a copy of grave deeds, contact the authority or organisation that manages the cemetery or burial ground—this could be a local council, private cemetery company, or church body. You'll typically need to provide the name of the deceased, date of burial, and details of the plot if known. For local authority cemeteries, the Bereavement Services department handles these requests, proof of your relationship to the deceased or legal interest may be required. In churchyards, enquiries should be directed to the parish office. Some cemeteries may charge a small administrative fee for providing copies of deeds.

Transferring grave ownership: Process and requirements

To transfer grave ownership in the UK, you must first identify the current registered owner. If the owner is deceased, legal entitlement must be established through a will, grant of probate, or letters of administration. Once entitlement is confirmed, a transfer of grave ownership form must be completed and submitted to the cemetery authority along with supporting documents, such as a death certificate and probate documents.

Fees for transfer vary but typically range from £50 to £150. No burial or memorial changes can be made until the transfer is completed. This process is vital when disputes arise among family members or when new burials need to be authorised. Without a clear legal transfer, cemetery authorities cannot open the plot or approve headstone inscriptions.



Common questions about grave ownership

Do graves get dug up after 100 years?

Graves are not automatically disturbed after 100 years. In the UK, many grave leases are renewable, and authorities usually attempt to contact surviving relatives before taking any action. Legal protections apply, and exhumation or grave reuse can only occur following proper procedures, including public consultation and sometimes Ministry of Justice approval.

Can I be buried in my parents' grave?

Yes, provided there is sufficient space in the grave and the burial complies with local cemetery or churchyard regulations. You must also obtain written permission from the registered grave owner or legal successor. If ownership is unclear, the cemetery authority will require a formal transfer of ownership before granting burial approval.

What happens to a grave after 100 years in the UK?

When a grave lease reaches 100 years and isn't renewed, the cemetery authority may reclaim the plot. In such cases, the grave may be reused, typically by placing a new burial deeper in the plot. This process is governed by regulations and usually involves contacting the deceased's next of kin first.

Grave lease expiration: What happens next?

When a grave lease expires—typically after 50 to 100 years—the grave remains undisturbed unless specific legal steps are taken for reuse. The body is not exhumed unless reinterment is necessary and follows strict legal procedures. Cemetery operators may contact next of kin to offer renewal options. If no action is taken, and local laws permit, the plot may be reclaimed for future burials.

Non-Court Dispute Resolution (NCDR) in Family Law Cases

NCDR refers to methods used to resolve family law disputes outside of the court arena. NCDR offers a less combative, often more cost-effective and emotionally manageable way for parties to reach an agreement and resolve matters. These alternatives can be a better way of dealing with matters such as divorce, financial settlements, and child arrangements.

What are the different types of NCDR in family law?

1. Solicitor negotiation

Negotiation through solicitors is often the first step in trying to resolve disputes. If a settlement is reached, solicitors can formalise it into a consent order, making it legally binding upon approval by a judge.

2. Mediation

A flexible, voluntary, and confidential process where a neutral mediator helps parties negotiate a settlement. Agreements reached are not automatically binding but can be formalised by solicitors.

Before mediation begins, parties must usually attend a Mediation Information Assessment Meeting (MIAM) to check suitability. Exemptions may apply where there has been domestic abuse or child protection concerns.

3. Collaborative law

Each party instructs a specially trained lawyer to resolve their issues in a forum outside of court, often by participating in a series of round table meetings to resolve issues amicably. If this is unsuccessful, both parties must appoint new legal representatives under collaborative law.

4. Arbitration

A private process where a neutral third party, known as an arbitrator, is appointed to decide on matters arising from the breakdown of a marriage or civil partnership, and in some cases, child arrangements.

Unlike court proceedings, arbitration is private, and the arbitrator's decision is legally binding. The nature of arbitration is more adversarial in that both parties may be expected to give evidence on issues and may be cross-examined by the other's legal representative.

After hearing the parties' evidence and from their legal representatives, the arbitrator will make an 'award' determining matters. The process is voluntary, and both parties must agree to sign up to arbitration and will be asked to sign the terms and conditions which then bind them before the arbitration takes place.

5. Early neutral evaluation (ENE)

An independent evaluator gives a non-binding indication of the likely court outcome, helping parties focus on realistic settlement discussions and aims to encourage constructive discussions which then lead to an early settlement.

6. Private financial dispute resolution appointments (pFDRs)

One of the most utilised forms of NCDR is pFDRs, the mirror process of an in-court FDR which is typically the second hearing in financial remedy court proceedings.

The purpose of an pFDR is for the judge to provide an indicative view on the likely outcome at final hearing if matters proceed further without resolution. The private FDR judge cannot impose an order on the parties; the parties must reach an agreement.

This helps the parties to negotiate within a parameter for settlement, knowing what the court could order at a final hearing and what they could incur in terms of further legal costs. If an agreement is reached, a consent order can be drawn up. This hearing is 'without prejudice' meaning that any offers exchanged, including the judge's indications are confidential and cannot be referred to at final hearing if the case does not settle, allowing the parties to negotiate in a safe environment.

Frequently asked questions

1. Is NCDR legally binding?

Some forms of NCDR, like arbitration, result in binding decisions. Others, such as mediation or collaborative law, only become binding if the agreement is converted into a consent order approved by a judge.

2. Do I have to try mediation before going to court?

In most cases, yes. You must attend a Mediation Information Assessment Meeting (MIAM) unless you qualify for an exemption (e.g. domestic abuse or child safeguarding concerns).

3. How long does NCDR take compared to court?

It varies by case, but NCDR is usually significantly faster than going through court proceedings, which can take many months or even years.

4. Is NCDR cheaper than court?

Often it can be as it avoids lengthy litigation and multiple hearings. However, there may be costs for private judges, mediators, or arbitrators.

5. What happens if NCDR doesn't work?

If parties can't reach an agreement, they can still apply to court. Any discussions in NCDR (other than arbitration awards) are generally confidential and "without prejudice," meaning they can't be used against you in later proceedings.

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The Hidden Dangers of DIY Wills

Don’t Leave Your Estate at Risk

Many people create DIY wills, believing that’s sufficient, or they don’t make a will at all, assuming their assets are too modest to matter.

While creating a will yourself might seem simple, mistakes are common. Even small errors can result in unintended beneficiaries, disputes among loved ones, or claims against your estate that are expensive and stressful to resolve.

The dangers of online will-writing services

1. Lack of regulation

Firms of solicitors are bound by rigorous regulations and standards, which guarantee a certain level of protection for their clients when drafting their wills. They are also required to keep up to date with changes to the relevant laws to ensure their advice is accurate and their wills are legally valid. However, not all online will-writers are regulated and therefore they do not have to adhere to the same regulations and standards.

2. Online wills are not bespoke

Online wills can be made in a matter of minutes and are often computer generated. The process can consist of simply filling out a form and making payment. Online will-writers may not take the time to gather information from their clients that is required to make a proper will that suits that individual’s circumstances, nor do they tend to provide advice on trusts, personal tax planning or assets held overseas. Sometimes the software automatically appoints the will writing company as the executor – even though that may not be the testator’s wishes.

As a result, online wills may not be fit for purpose. The lack of bespoke advice could mean that parts (or even the entirety) of the will may not be effective. It could also mean that the estate could face unwanted tax implications or possibly legal claims against the estate – all of which could end up costing many thousands of pounds.

3. Beware of hidden costs

While the headline rate may be that the will costs ‘less than £20’, online will-writers can sometimes include extortionate hidden fees and charges in their terms and conditions. This can result in severe financial penalties for an estate later down the line. There could even be fees for storing the will and then retrieving it.

The big cost however can come from the appointment of the will writing company as the executor and dealing with the estate administration. Often they will charge a high percentage based on the gross value of the estate. While solicitors can also charge in this manner, most solicitors will renounce if asked to do so by the beneficiaries. The will writing company may refuse to do this and therefore the only way to get them removed would be a court application, which could be very costly.

4. Lack of verification

Online will-writers cannot be sure that the testator is who they portray themselves to be online. Unlike firms of solicitors, most online will-writers do not confirm the identity of their clients.

This also means that will-writing companies cannot confirm that the testator has the necessary mental capacity required to make a will. This could lead to future claims against an estate that the will is not valid due to fraud, duress, or a lack of the necessary mental capacity – all of which could end up costing the estate many thousands of pounds.

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Client case studies

Client A

One client had drafted two homemade wills on the same day, each including a revocation clause cancelling the other. These were the kind of pre-printed will packs often sold in high-street shops.

As each will revoked the other, neither was valid, leaving the estate open to challenge and creating unnecessary complications for loved ones.

Client B

Another client listed some assets in her will but did not address the residue of her estate. She was separated from her husband, yet under the intestacy rules, he inherited the residue, worth £500,000. There is no doubt she would have wanted a different outcome.

Failing to deal with the residue of an estate can result in significant portions passing to unintended beneficiaries, completely undermining the wishes expressed elsewhere in a will.

These cases highlight the risks of DIY wills and the importance of professional advice. A properly drafted will ensures your estate is distributed according to your wishes, avoids unintended beneficiaries, and reduces the potential for costly disputes. Speak with a qualified professional in our team to create or review your will to ensure your wishes are upheld and your loved ones are protected.

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