

Tayntons  
SOLICITORS



A-Z

LEGAL TERMS

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## A: ASSIGNMENT OF A LEASE

Commercial tenants are usually locked into a lease for a set period of time. If you no longer need the premises, it may be open to you to assign the lease to a new tenant if the lease permits this and your landlord consents. You will need to ensure the new tenant covers you in respect of rent and other liabilities.

## B: BREACH OF CONTRACT

If you or your business has entered into a contract and the terms are not observed by the other party, then you could be entitled to a compensation payment

## C: COURT OF PROTECTION

The Court of Protection deals with administrative matters for someone who no longer has the capacity to manage their own affairs. You can apply to the Court of Protection for a deputyship order. If someone has made a Lasting Power of Attorney, this should be registered with the Court of Protection before it is used.

## D: DEPUTYSHIP ORDER

If a relative is no longer able to make their own decisions, a deputyship order will give you the authority to act on their behalf. This can be in respect of their property and financial affairs and/or in respect of their personal welfare.

## E: EMPLOYMENT TRIBUNAL

If you believe you have been treated unfairly by your employer, you may be entitled to make a claim for compensation to an employment tribunal. Examples of unlawful treatment include unfair dismissal, discrimination and unfair deductions from pay.

## F: FORCE MAJEURE

A force majeure clause in a commercial contract can allow one or more parties to the contract to terminate their obligations where extraordinary circumstances have arisen that are beyond their control. A recent example is the Covid-19 pandemic, which allowed some businesses to void contracts where the clause referred to a pandemic as a force majeure event.

## G: GRANT OF PROBATE

After someone dies, their executor will usually need to apply to the Probate Registry for a Grant of Probate. This is the legal document that gives them the authority to wind up the estate by collecting in and selling assets, paying debts and distributing the estate to the beneficiaries named in the Will.

## H: HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 sets out a number of fundamental rights and freedoms to which everyone is entitled, including the right to life, freedom from torture and inhuman or degrading treatment, freedom from slavery and forced labour, the right to liberty and security and the right to a fair trial.

## I: INTESTACY

Intestacy is when someone dies without leaving a Will. Their estate will be distributed in accordance with the Rules of Intestacy, which set out a strict order in which relatives will inherit. By way of example, if someone is married with children, then their spouse will inherit all of the personal effects plus the first £270,000 of the estate and half of the remainder of the estate. Any children will inherit an equal share of the remaining half of the estate. This means that if the estate is worth less than £270,000, then children will not receive anything. Cohabitees and stepchildren do not inherit anything under the Rules of Intestacy.

## J: JOINT TENANCY

This is one of two ways in which a property can be jointly owned. A joint tenancy means that if one owner dies, the property automatically passes to the other owner and not in accordance with the Will, if there is one. If a property is owned as tenants in common, then on the death of one of the owners, their share of the property will pass under the terms of their Will. If you own a property jointly, it is important to understand which method of joint ownership you have as it can have financial and other implications. It is possible to change the type of ownership if you need to.

## K: KIDS

If you have children and you are going through a divorce, you will usually need to make a child arrangement order with your ex. This will include issues such as where the children are to live, how much time they will spend with each parent and what other contact they will have with them. The court prefers that parents agree this between themselves, having regard to the best interests of the children. If an agreement is difficult, the next step is mediation.

## L: LASTING POWER OF ATTORNEY

A lasting power of attorney appoints someone to make decisions on your behalf in the event that you become unable to make them yourself. It can be in respect of your property and financial affairs and/or health and welfare. It must be made while the donor still has the mental capacity to do so and can be stored until needed.

## M: MEDIATION

Mediation is a form of alternative dispute resolution which aims to resolve a legal disagreement without the need for a trial. It is usually quicker and more cost-effective than court and the parties reach a settlement that they can both agree upon, rather than having an outcome imposed on them by a judge.

## N: NEGLIGENCE

If you have suffered loss because of someone else's negligence, you may be able to bring a claim for compensation. Examples include being involved in an accident or where a professional fails to carry out their role to a proper standard or breaches their duty of care to you.

## O: OFFICIAL SOLICITOR

The Official Solicitor represents people who are unable to manage their own affairs because they are children or lack mental capacity and who have no-one else to act on their behalf.

## P: PARENTAL RESPONSIBILITY

Parental responsibility refers to the rights and responsibilities that a parent has in respect of their children, to include caring, providing education and making sure they have healthcare. All birth mothers automatically have parental responsibility. Fathers also have automatic parental responsibility if they are named on the birth certificate and the birth was registered after 1 December 2003. A father who does not have it may be able to apply for it.

## Q: QUIET ENJOYMENT

The right of quiet enjoyment is often included in a residential lease agreement. It means that a tenant has the right to enjoy their property without unreasonable or unnecessary interference from a landlord.

## R: REDUNDANCY

If your employer needs to reduce its workforce, it will make people redundant. A strict procedure must be followed, and employees must be selected using fair criteria. It is unlawful to make someone redundant on the basis of certain characteristics such as age, gender, pregnancy, whistleblowing or trade union membership. Employees have certain rights, which may include a notice period, redundancy pay and consultation with their employer.

## S: SETTLEMENT AGREEMENT

A settlement agreement is a legally binding contract between an employer and an employee. It is often used to terminate employment. The employer will pay a lump sum to the employee who in return will waive the right to take most forms of legal action against the employer and agree to keep matters confidential. It is often used in voluntary redundancy situations. If you are being offered a settlement agreement, then by law you must take independent legal advice before signing as it is a waiver of your rights.

## T: TAYNTONS

One of the oldest firms of solicitors in Gloucester, Tayntons has been providing legal help to businesses and individuals for over 160 years. Our lawyers have in-depth expertise across a range of sectors and are dedicated to providing legal excellence and the highest level of service to clients.

## U: UNFAIR DISMISSAL

If someone is dismissed from their job, it must be done fairly. There are five fair reasons for dismissal: lack of capability or qualification, conduct, redundancy, contravention of a statute or some other substantial reason. An employer must also follow the correct procedure in dismissing someone.

## V: VOLUNTARY WINDING UP

Voluntary winding up is the closure of a company on the approval of its shareholders and board of directors. It occurs when a business is no longer financially viable, or it is no longer required to remain in operation. The company's financial affairs will be finalised to include the sale of assets, and creditors paid off in order of priority. No court order is involved.

## W: WILL

A Will is a document by which you can leave all of your personal effects and assets to your chosen beneficiaries. It can also be a way of legitimately reducing any Inheritance Tax bill. If you do not leave a Will, then your loved ones might not inherit anything from you.

## X: EXECUTOR

In your Will, you will appoint one or more executors to deal with the winding up of your estate after your death. They will have the job of collecting in and valuing your assets, paying any bills, to include Inheritance Tax, selling assets such as your property, preparing estate accounts and distributing your estate to your named beneficiaries.

## Y: YEARLY TENANCY

A tenancy agreement will normally include details of how and when the rent will be reviewed. A periodic tenancy generally prohibits the landlord from increasing the rent more than once a year without the tenant's agreement.

## Z: ZERO-RATED

Zero-rated goods and services count as taxable supplies but are charged VAT at zero per cent. Businesses that only supply zero-rated goods or services can still register for VAT and recover VAT on their costs and overheads.



## Contact us

At Tayntons we have expert solicitors working across a wide range of legal sectors. If you would like to discuss an issue with one of our experienced lawyers, email us at [info@tayntons.co.uk](mailto:info@tayntons.co.uk), call us on 0800 158 4147 or request a call back and a member of our team will be in touch promptly.

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