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JANUARY 2023 - NEWSLETTER

Welcome to the first 2023 edition of our monthly newsletter! We have 4 new exciting articles which focus on divorce, injury claims in a public area, Commercial Property repairs and employee well being tips!

Here at Taylor Bracewell, we love to hear what you think, so make sure to message us via our website at www.taylorbracewell.co.uk and let us know what you want to see next!

If you need any more information on any of the subjects mentioned in this newsletter, don't hesitate to contact us on 01302 341 414 or 0114 272 1884

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5 TIPS: HOW TO MAKE MY DIVORCE GO SMOOTHER

FAMILY LAW

A divorce can be a very stressful and upsetting time and all you want is for the divorce to go smoothly. We understand that your overall objective is to exit the marriage as soon as possible, therefore here are 5 tips you should try which may help your divorce go smoother and potentially quicker:



1

Seek Professional Help and Advice - Seeking professional advice as soon as possible is important to avoid errors being made which can cause unnecessary delay and costs.

2

Be polite - Try to talk things through as much as possible with each other in an appropriate manner.

3

Honesty is key - Be honest from the start and do not hide anything back from the other party. It will help promote clear communication!

4

Be prompt - Be active and do not delay anything as this can cause further distress and anxiety for both parties!

5

Reduce third party input - Try not to involve third parties such as family, friends and especially not any child/children of the marriage. We understand this may be difficult however the input of a third party can sometimes lead to delays and further distress.

In addition to these 5 tips, it's important to remember that neither party needs to blame one another for a divorce to occur. This is the result of the law changing surrounding divorces on the 6th April to introduce "No Fault Divorce". For more information on what this is and how it can positively affect your divorce, then see our ["No-Fault Divorce" article](#)!

If you require any further information, advice or assistance then please do not hesitate to contact our Family Team on 01302 341 414 or by [filling out our online contact form](#) where we will be more than happy to help with any queries or questions you may have.



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WHAT SHOULD I DO AFTER I HAVE AN ACCIDENT IN PUBLIC?

PERSONAL INJURY

Accidents happening anywhere that the public has legal access to can include but is not limited to:

- A shopping centre or retail park.
- A supermarket or retail shop.
- Restaurants, cafés, fast-food outlets, etc.
- Public streets and roads.
- Public parks and other recreational facilities.
- Public buildings such as a library, hospital, etc.

The legal entity that operates and/or owns the location where the accident happened has legal obligations to ensure that they take reasonable steps to ensure that the people that are lawfully on their land are reasonable safe from harm.

Some legal entities have Statutory obligations to take steps and implement measures to ensure that the risk of injury is kept to the lowest level possible.

When someone is injured in a place that they are lawfully right to enter, if the operator and/or owner of land where the accident happened did not take any or any reasonable steps to ensure that any such people are reasonably safe and free from harm, a valid claim could be investigated.

Who Is Responsible for the Accident?

To succeed in any claim, it will be necessary to show that a third party was in some way responsible for the injury, loss and damage caused.

With accidents that happen on a public street, or in another public place such as a public park, or public car park, the starting position would be to look to the local authority as being potentially liable.

Steps To Take If You Have Had An Accident In A Public Place

If you have suffered an injury, loss or damage following an accident in a public place, as with any injury claim, our priority is your wellbeing and you need to receive medical treatment for any injuries suffered. This will also result in a contemporaneous record of the cause of your injury, the injury sustained and treatment needed.



This article continues onto the next page...

We also recommend that where possible, you take photographs, obtain any CCTV footage, witness details and report your accident and injury to either the Local Authority or the land owner if known.

In addition, we encourage you to write down what happened leading up to the accident including as much detail as possible and keep a diary of any appointments you attend together with any and all expenses/losses caused by the accident/injury.

How would i make a Personal Injury claim?

The procedure for making a personal injury claim differs with different types of claims. For example, if you have a claim resulting from a road traffic accident, an accident at work an accident in a public place then subject to the value of the amount of compensation you're looking to recover there are certain procedures that you have to follow.

For a claim that has a value under £25,000, you are required to submit your claim on the ministry of justice portal. That will involve us completing appropriate documentation for you to approve, which we will submit on your behalf.

In claims following a road traffic accident where the value of the injury claim is deemed to be below £5000, there is an alternative online portal that has to be used the official injury claims portal. This is a relatively new invention. As with all aspects of the law, it is ever ever-evolving. The best advice for any claim is:

"I would encourage you to contact us so we can help and assist you and guide you through the process."

Any claims for compensation above £25,000 involves compliance with pre-action protocols that are set by the court rules

For advice on pursuing a claim, or if you would like to speak to a Solicitor, please do not hesitate to contact Robert Clarke on 01302 965252. Or alternatively, you can email robert@taylorbracewell.co.uk

Here are some other articles you may find interesting:

- **How can a child bring a Personal Injury claim?**
- **What to do after a cycling or car accident?**



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WHO IS RESPONSIBLE FOR REPAIRS ON A COMMERCIAL PROPERTY?

COMMERCIAL PROPERTY

When taking a lease on a Commercial Property it is important to confirm who will be in charge of the repairs at the property. All leases should have a clause in relation to repairs and alterations. This is a standard clause and can be amended as the parties see fit.

It is usual for the Tenant to maintain and repair the interior of the property. This would include things such as internal doors. In most leases the Landlord will be responsible for the exterior repairs of the property. This includes items such as the roof. If the property is part of a larger estate with many units, it may be that there is a management company who assists the Landlord with the running of the site. In this instance the managing agent would liaise with the Landlord about repairs and ensure that they were taking place.

If you occupy the whole of the property then you may be on what is known as an "FRI" lease. This means a fully repairing and insuring lease. This is onerous for a tenant and means the tenant is responsible for the repair of the whole of the property including the roof and structure of it. Depending on the age and state of repair of the property a tenant is best advised to try and limit this to internal repair only or for the repairing obligation to be limited by reference to a schedule of condition. A schedule of condition shows the state of repair when the tenant went into occupation and is often evidenced by photographs. It is always advisable to obtain advice from a surveyor and to have any schedule of condition drawn up professionally.

If you would like assistance with your lease please feel free to contact our Commercial Property team on 01302 341414 or 0114 272 1884, alternatively you can [fill out our online enquiry form.](#)



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TOP 6 WORK WELLBEING TIPS

EMPLOYMENT LAW

Here are our top 6 well-being tips for employers to help staff stay healthy at work.

- 1** Managers need to be trained so they have the knowledge and confidence to manage the mental health of their team. They need to be able to recognise the signs of someone who may be struggling and know how to help them. Regular contact should be kept with employees, including those employees still working remotely. Managers need to be supported too.
- 2** Encouraging positive mental health, for example arranging mental health awareness training, workshops or appointing mental health 'champions' who staff can talk to and having effective policies in place (this can help too in the event of a tribunal claim, as long as the policy is implemented effectively).
- 3** Having effective policies in place is important. This can help in the event of a tribunal claim, as long as the policy is implemented effectively in the workplace.
- 4** Promote a healthy work-life balance to all employees. This means encouraging regular breaks during the day for exercise and food and also regular holidays. Managers and employers should also be seen to be doing this so their employees feel it is acceptable and to set a positive example to their staff.
- 5** An open door policy should be promoted and employees should feel comfortable speaking to their managers. Mental health should be an open conversation with no stigma attached. This could lead to less time off for a mental health issue and improved morale at work.
- 6** Employers have a 'duty of care'. This means they must do all they reasonably can to support their employees' health, safety and wellbeing. Carry out risk assessments for mental and physical health as appropriate. Be mindful of the duty to make reasonable adjustments in the case of disabled employees where there is duty under the Equality Act 2010.



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Always seek advice about employment matters without delay. Our Employment team are always happy to help don't hesitate to call them on 01302 341414.

ABOUT US

Taylor Bracewell Solicitors is a dynamic and forward thinking legal firm with offices in Doncaster and Sheffield. We are passionate about providing individual service and connecting with our clients on a one to one basis. This enables us to fully understand our clients' legal needs and deliver exceptional value in our services

Our Services:

- Commercial Property
- Residential Property
- Family Law
- Employment Law
- Disputes
- Medical Negligence
- Personal Injury Claims
- Business/ Company Law
- Business Disputes
- Charities
- Wills, Probate and Trusts
- Asset Protection
- Inheritance Tax planning
- Powers of Attorney and Court of Protection



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