

Perspectives

Personal law updates from Morr & Co

Newsletter

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Hello,

Welcome to the latest edition of Perspectives, our newsletter which provides information, news and insights into the most recent legal developments that may affect you and your family.

It has been a beautiful summer. The schools are now back and the rain has returned; we know we are firmly stepping over into autumn. It's been many years since my children went back to school, but the sense of freshly sharpened pencils and new shoes stay with me – I always feel a sense of renewed purpose in the autumn.

We have had a fantastic summer awards season (the professional equivalent of speech day and prize-giving, if I can continue the 'back to school' theme).

Our Private Client team is shortlisted at the British Wills & Probate Awards 2025 for 'Private Client Team of the Year', we have been ranked Band 2 in the well-regarded Chambers & Partners High Net Worth Guide, along with rankings for Holly Chantler and Natalie Payne and we are shortlisted for 5 awards at the Surrey Legal Awards, with recognition for our Employment, HR and Private Client teams.

It's wonderful to see the hard work of our teams recognised so widely and I hope to share more successes with you in future editions.



I hope you enjoy this edition of Perspectives.

Catherine Fisher
Managing Partner

MORR & CO



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Time for change – are electronic Wills the next logical step?

The Law Commission recently recommended that the Government allow the making of electronic Wills.

The introduction of electronic Wills would mark a significant development in the Wills Act 1837 (the law that governs Will creation). This proposal by the Law Commission has opened a wider conversation on how the law can and should change, to reflect a modern and increasingly digital-savvy society.

The case for change

Without question, our lives have become increasingly digital. We are seeing high street banks close in favour of online banking, people no longer Googling something, but instead going straight to ChatGPT and the continuation of working from home which has been enabled by online systems and video meetings following the Covid-19 pandemic.

Against this backdrop, private client solicitors are often met with a mix of reactions when clients learn of the requirement for Wills to be signed in wet ink and in the physical presence of two witnesses.

On the one hand, some people see the signing of their Will as an important moment and feel more secure with the formalities of attending in person. Whilst others feel it is out of step with their daily life and it should be something they can do online.

As a result, offering a secure, legitimate way of creating electronic Wills could improve accessibility for those who might not otherwise seek legal advice or who may struggle with the formality and logistics of the current requirements.

Did Covid-19 pave a way for electronic Wills?

During the Covid-19 pandemic, the UK Government temporarily allowed video-witnessing for Wills. This demonstrated that modern technology could be used to meet the needs of society at the time.

However, many practitioners remain dubious about the introduction of electronic Wills, with serious concerns raised regarding undue influence, fraud and safeguarding the most vulnerable.

There are already concerns with paper Wills, but the introduction



of electronic Wills would raise new questions around how to verify a Will in a world where deepfake, hacking and identity theft are on the rise.

Another concern would be how to ensure that the platform was secure and what would happen if there was a breach? Who would operate these platforms and how would we ensure they were properly regulated?

A financial and legal perspective

The recommendation to allow electronic Wills reflects the Law Commission's effort to modernise an area of law that has not changed for nearly 200 years. These reforms, if accepted, will force private client solicitors to engage with new technologies, but they will also, and quite rightly, raise questions around best practices, risk management and how solicitors can support clients in making informed choices. As the conversation around electronic Wills continues, striking a balance between innovation and safeguarding will be imperative.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Private Client** team, who will be happy to help.

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Common triggers for probate disputes after the first spouse's death



When a spouse or partner dies, families often assume the legal side will be straightforward. The surviving partner inherits, life continues and any real complications will come later – after the second death.

However, this expectation rarely matches reality. The first death is actually one of the most common trigger points for inheritance disputes, catching families unprepared when emotions are already running high. Much depends on how assets are owned and what the Wills say.

When children from previous relationships or step-families are involved, expectations often clash. Adult children may assume they'll inherit part of a property immediately, while the surviving spouse believes they can stay there for life.

Sometimes, a Will grants the survivor life-long residence rights. This offers security but brings responsibilities, such as maintaining the property and paying insurance and bills. However, as survivors age, they may struggle with upkeep costs and when properties fall into disrepair,

beneficiaries worry their future inheritance is losing value. What began as "you'll have the house one day" can feel like a shrinking legacy. These situations often lead to:

- Claims under the Inheritance Act 1975 for "reasonable financial provision".
- Breach of trust claims against survivors who haven't maintained properties.
- Disputes over unclear or outdated Wills.
- Conflicts arising from informal promises not reflected in legal documents.

When to seek help from a contested probate lawyer

When disagreements arise, the sooner advice is obtained the more options exist to resolve matters quickly and cost-effectively. Court proceedings remain an option as they can interpret Wills, decide Inheritance Act claims, or rule on ownership of property.

However, most cases settle through negotiation or mediation, allowing families to reach compromise with independent help.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Dispute Resolution** team, who will be happy to help.

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What's happening in the property market?

The UK property market has held up well over the summer. In July 2025, UK lenders approved 65,400 mortgages, the highest in six months – signalling a steady recovery in housing transactions after a decline in April caused by the end of a stamp duty holiday. This demonstrates that buyers remain active and confident, helping to sustain momentum in the market even as broader economic pressures continue to influence decisions.

However, house price growth has shown signs of moderation. Nationwide's August figures revealed that annual house price growth softened to 2.1%, down from 2.4% in July, with prices dipping by 0.1% month-on-month. This trend reflects ongoing affordability challenges and a more cautious approach from buyers.

Looking ahead to the Christmas period, the market is expected to remain steady. While affordability continues to be a factor for some buyers, improved balance between supply and demand should help maintain market activity. Overall, the summer's momentum suggests a healthy level of transactions will continue through to the final months of 2025.



It remains to be seen what effect, if any, the Government rumours about property tax will have. Whether it's scrapping Stamp Duty Land Tax or whatever overhaul they consider best in their wisdom, any change on the horizon (especially if it reduces tax for buyers), will inevitably lead to a stagnation of the market whilst people delay their plans to save some money.

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Whose money is it anyway?

In July 2025, the UK Supreme Court gave its decision in the case of *Standish v Standish*. This case is significant as it sets out principles as to how *matrimonial property* and *non-matrimonial property* should be treated in the event of a divorce.

The Courts of England and Wales have a wide discretion to distribute assets between the spouses upon divorce. The starting point is equality, but needs will always trump equality.

The case provided an important definition between matrimonial property and non-matrimonial property.

- Matrimonial property are assets that have accrued during the marriage.
- Non-matrimonial property can include pre-acquired wealth, inheritance, etc.

In the case of *Standish v Standish*, the husband had substantial personal wealth, much of it accrued prior to the marriage in 2005.

In 2017 the husband, following professional advice aimed at reducing future inheritance tax liabilities, transferred approximately £80 million of assets into his wife's sole name. The intention was to establish trusts for their children, but the trusts were never created.

Five principles have been drawn from the judgment:

1. The concept of the distinction between matrimonial property and non-matrimonial property.
2. That the sharing principle only applies to matrimonial property and does not apply to non-matrimonial property.
3. The starting point for matrimonial property is that it shall be shared equally but that equality can be departed from.
4. The concept of *matrimonialisation* – the process which non-matrimonial property must go through to become matrimonial property. This is considered in light of how the parties have treated the assets.
5. Fact specific – that tax saving schemes will not convert non-matrimonial property into matrimonial property.

The case determined that 75% of the assets remained the husband's non-matrimonial property. It also widened the concept of *matrimonialisation*.



Further points to consider are as follows:

- The intention of the owning spouse.
- The treatment of the asset by the parties.
- The intention within that treatment.

The sharing principle of equality of matrimonial property can be departed from, but one would need to show why it should not be split 50/50.

What is clear is that non-matrimonial property is not automatically *matrimonialised* by transferring it into joint names. The original source of the funds will still be relevant.

As a result, many questions still remain unanswered. Therefore, partners contemplating marriage or already married, should seriously consider entering into a pre or post-nuptial agreement to define their property, especially if they wish to ensure it is kept as non-matrimonial property.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Family** team, who will be happy to help.

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Understanding your rights during a redundancy process

What is redundancy?

A redundancy situation arises when a business or organisation:

- Ceases its operations altogether; or
- The individual place at which the employee works is closed but the business continues elsewhere; or
- There is a reduced need for employees to undertake work of the kind for which they were employed.

What protections do employees have?

Employees have the right not to be unfairly dismissed where they have worked for their employer for two years or more. If a business wants to make an employee redundant after this time the dismissal will only be “fair” if:

- There is a genuine redundancy situation AND
- The dismissal is reasonable having regard to ALL the circumstances of the case.

N.B. If 20 or more employees are being made redundant at one establishment within a rolling 90-day period, the employer will also have to comply with the collective redundancy regulations (a more onerous and longer process).

What does a fair redundancy process involve?

A fair redundancy process generally requires the employer to:

- Clearly state the business or organisational rationale for the proposed redundancy;
- Consider and identify the employees affected and whether there are any special circumstances that would impact the employer’s ability to make an individual redundant (e.g. due to pregnancy/ maternity leave);
- Identify an appropriate pooling of employees and if applicable reasonable selection criteria; and
- Genuinely engage in meaningful consultation.

Alternative employment

An employer must take reasonable steps to identify any alternative employment for an employee who is at risk of redundancy.

In the recent case of *Hendy Group Ltd v Kennedy* [2024], the Employment Appeal Tribunal (EAT) considered whether an employer had sufficiently discharged this duty.

Mr Kennedy did not dispute that his role was no longer required, but argued that the decision to dismiss him was unfair as the company had not adequately or fairly considered the possibility of him remaining with the company in an alternative role.



Specifically, he complained that:

- The employer’s efforts were mainly confined to simply advising that he searched the internal job boards;
- Emails from the employer regarding other jobs were sent to his work account, even though he no longer had access to those emails;
- Following an interview in which he was unsuccessful he was told he would also be unsuccessful in applying for similar sales-based roles even though many of the sales jobs open for application at that time were likely to be appropriate for him; and
- Other hiring managers were not informed that his role was at risk of redundancy.

The Tribunal upheld his claim and awarded £19,500 in compensation without any ‘polkey’ deductions in favour of the employer.

The company appealed the decision to the EAT arguing that the Tribunal had substituted their own views rather than limit their assessment to whether the employer’s failings could objectively be considered as unreasonable. The appeal was rejected.

The EAT held that the employer had fallen short of the requirement that it made “reasonable” efforts in finding the employee another role.

In addition to the factors referred to above, they also criticised the employer for not seeking more information from the employee and/or encouraging conversations about the employee’s interests to help identify other suitable roles, even if they would result in a demotion.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Employment** team, who will be happy to help.

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