

Will payout end her benefits?

Q My daughter was seriously injured in a car accident two years ago. It's unlikely she will be able to work again.

She's planning to move out of her council flat and buy a home of her own with the compensation she's due to receive.

But we wondered whether this would affect her entitlement to benefits?

A It sounds as though your daughter was working prior to the accident, in which case she may be claiming incapacity benefit or contribution-based employment and support allowance.

This is not means-tested, so any compensation she receives will not affect her entitlement.

However if she hasn't paid enough contributions she may be on income-based employment support allowance, which has a £16,000 threshold.

In that case she could consider setting up a Special

Needs Trust, which is permitted under the Social Security Act 1989, and which can protect the continued receipt of all benefits.

Her solicitor should advise her about this.

Son may suffer

Q My ex-husband bought a house with his new partner.

They are tenants in common, with equal shares, and my ex-husband made a will leaving his share to our son.

My ex and his partner have since got married: does he have to make a new will in order to leave his half to my son, and what would happen if he didn't?

A You're right to be concerned. The wills of people who marry are automatically cancelled.

The reason for this is that it's assumed that couples will want to leave their property to each other, but that newly-weds may

forget to alter their wills accordingly. So unless your ex-husband made his will "in contemplation of marriage" it will now fail.

In that case if he dies first his wife will inherit some, if not all, of everything he owns - including his share of the house.

Distribution time

Q I read somewhere that money bequeathed in a will must not be given out by the executor for six months. Is this correct?

A In practical terms it could well take at least six months before an estate can be wound up, depending on how complicated it is and whether a grant of probate is necessary.

If someone feels that no provision, or inadequate provision, has been made for them under the deceased's will, they have a period of six months from the date of the grant of

representation to put forward such a claim. It's very often for this reason that executors are reluctant to distribute any part of an estate until the six-month time limit has expired.

The number of contested wills jumped by 38 per cent in the last year, according to High Court statistics.

Unless there are exceptional circumstances, executors are expected to pay out general legacies within 12 months.

Going solo

Q I'm buying a house on my own, and I wondered whether my partner could lay claim to a share of it. My partner lives with me but he doesn't contribute to anything.

A In order to establish a claim on your house while you are alive your partner would have to convince a court, either with documentary evidence such as letters, or from recollections of conversations you'd held, that you

intended to share the house with him. Alternatively he would have to show that he'd lost out financially because of promises you had made, perhaps of marriage.

If you were to die, however, and you had been living with your partner for more than two years, he would be able to make a claim on your estate, including your house.

Big Brother neighbours

Q Our neighbours are elderly and complain about all sorts of things. Now they've trained two CCTV cameras on our house - one looking directly into our bathroom.

Can we force them to take them down?

A I'm afraid not. Perhaps surprisingly there's no law against pointing a camera at someone's bathroom window.



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The right to privacy contained in the Human Rights Act only protects the individual from officialdom.

The police could bring a prosecution for harassment, but you would need to convince them that you could prove that your neighbours are causing you distress and alarm.

The law may have to address the camera issue at some stage, since the problem is on the increase.

Currently your best option is to obscure the window or grow something in front of the cameras on your side of the boundary.