



CHILD & CHILD

Lawyers.
And more.

An introduction to
the **Italian Desk**

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The home of comprehensive legal advice.

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At Child & Child, we provide a full range of legal services.

We are recognised for our expertise in private and commercial real estate transactions and litigation. We work across jurisdictions with corporate and commercial clients, from global corporations to agile start-ups. We have built a reputation for resolving private and commercial disputes sensitively. And when offering tax, estate planning and family law advice, we take all the financial, emotional and personal implications into account.

So, we're business advisors and relationship experts. Excellent listeners and supportive mediators. Thought leaders and innovative strategists.

In short, we're your trusted partners.

Because we are lawyers. And more.



The Italian Desk

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Realising the appeal of London for Italians, our dedicated Italian Desk enables the firm to offer fully integrated advice for Italian families, companies and investors. Our team works in close partnership with Italian law firms, other professional advisers and financial institutions.

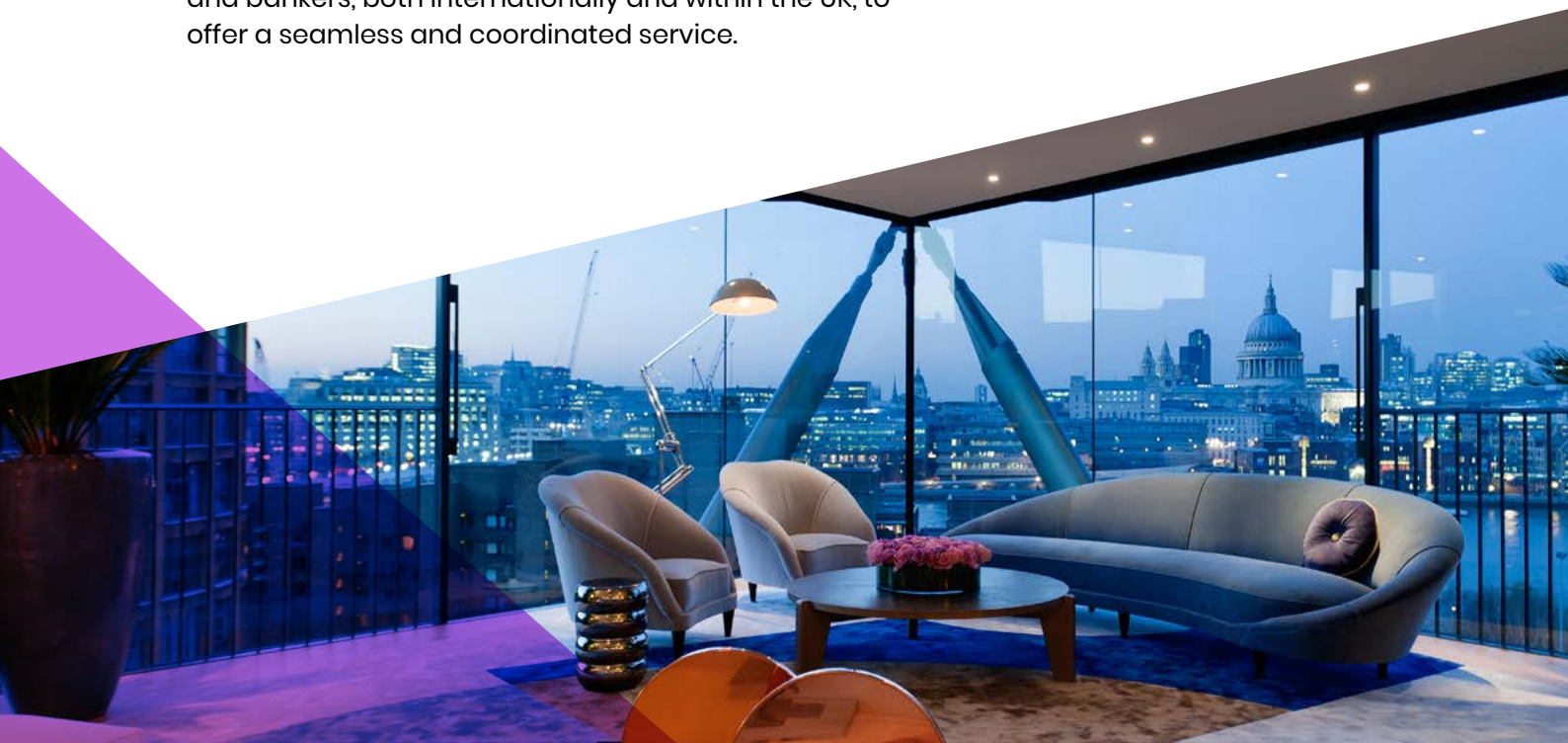
Our in-depth knowledge and understanding of both UK and Italian operating environments enables us to offer personalised and tailor-made legal and tax solutions to meet every client's specific needs.

With the Italian legal system based on civil law principles, rather than English common law, we are experienced at guiding clients through the questions and doubts this raises. In particular, we assist our clients with their property sales and acquisitions, lease extensions, enfranchisements, licences for alterations and other related property legal matters.

The Italian Desk also works closely with our clients' existing wealth managers, tax advisors, family offices and bankers, both internationally and within the UK, to offer a seamless and coordinated service.

WHO WE ACT FOR

- **Families**
- **High-Net-Worth Individuals & Entrepreneurs**
- **Companies**
- **Trustees**
- **Real Estate Investors & Developers**



Our Services

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Child & Child Solicitors is a traditional English legal firm specialised in residential and commercial property law. Our legal teams are very well known in the London property market and estate agents always feel comfortable when our firm is instructed to act for their clients.

Our award-winning Italian Desk has a wealth of experience advising clients in relation to the following, but not limited to:

- **Residential Real Estate / Conveyancing**
- **Commercial Real Estate**
- **Italian Private Clients**
- **Private Wealth & Estate Planning**
- **Matrimonial & Family**
- **Immigration**
- **Tax & Accountancy**
- **Corporate & Commercial**
- **Litigation & Disputes**
- **Commercial Disputes**

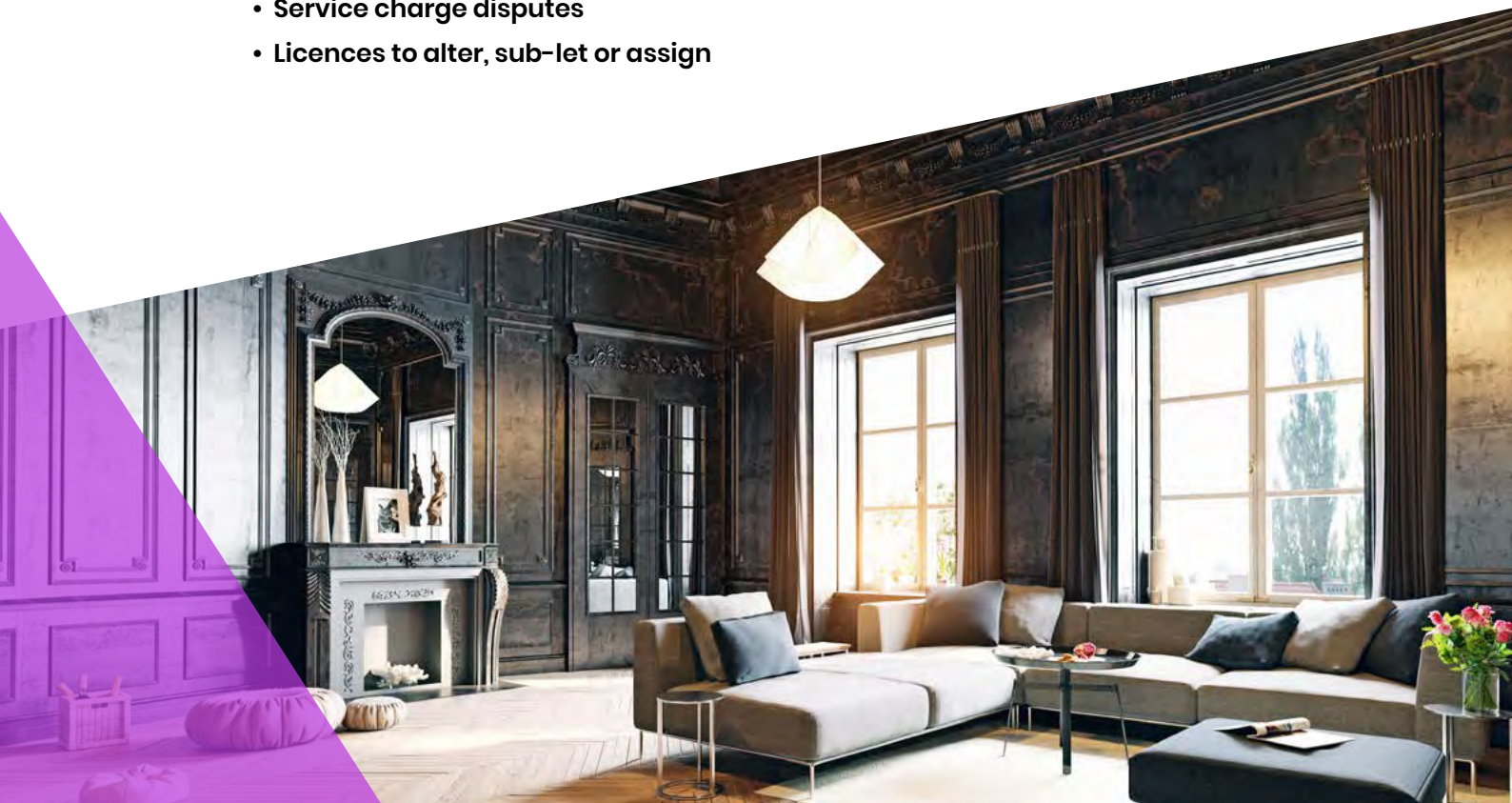


Residential Real Estate

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We help buyers across the UK and beyond with their conveyancing and much more. We listen and find out what their needs are. Then respond fast. We provide pragmatic advice. We are close to London's institutional landlords. We know them, and how they work. Perhaps you plan to buy or sell leaseholds or freeholds. There could be lock out or exclusivity agreements. There could be the need to negotiate your mortgage and because we are on the panel of most banks this process will be straightforward for you. Whatever you need, we are a partner you can trust in all these areas:

- **Sale and purchase of residential properties**
- **Leasehold extensions and enfranchisement**
- **Property investment and buy-to-let**
- **Right to buy properties**
- **New builds/developments**
- **Tenancy agreements**
- **Re-mortgages**
- **Equity release schemes**
- **Transfers of equity**
- **Service charge disputes**
- **Licences to alter, sub-let or assign**



Residential Real Estate

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Legal acquisition of residential real estate in the UK – main differences between the Italian and the English legal systems

The legal acquisition of a property in the UK by an Italian individual, even a good English speaker, can be a stressful experience. In order to deal with the relevant 'red tape' and understand the English real estate law it is essential that a buyer relies on property experts.

The acquisition process, better defined as 'conveyancing', is completely different from the Italian property acquisition process. This is because English land law derives from a mixture of historical case law and modern legislative sources. It therefore presents peculiarities which can be only explained through an elaborate historical analysis. Just to give you a few examples:

- **No Notaries, Less Formalities at Completion**

Conveyancing in the UK is dealt with by English lawyers specialised in property law, one for the seller and one for the buyer (conveyancing solicitors) transaction. There are therefore fewer formalities involved in the UK acquisition process and exchange and completion can even be formalised via the telephone (as long as all signed documentation has been received and money transferred to the account of the seller's solicitors).

- **Freehold and Leasehold**

Properties in the UK are generally divided into freehold and leasehold properties. If you buy a leasehold property (which is generally the case if you purchase a flat) you buy the right to hold or use such property for a fixed period of time (this can be as long as 999 years in case of modern developments or generally around 100 years in case of traditional flats in period houses), without transfer of full ownership and on the basis of a lease contract. A freehold property instead means that its owner has absolute and complete ownership of the land (unless he/she dies without a will and no descendants in which case such property reverts to the Queen). Houses are generally freehold and flats are leasehold. In some cases, when purchasing a flat, it is even possible to acquire a share of the freehold in the building of which the leasehold flat forms part. The concept of leasehold property is not used in Italian land law.



Residential Real Estate

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Legal acquisition of residential real estate in the UK – main differences between the Italian and the English legal systems (cont.)

- **Lease Extensions**

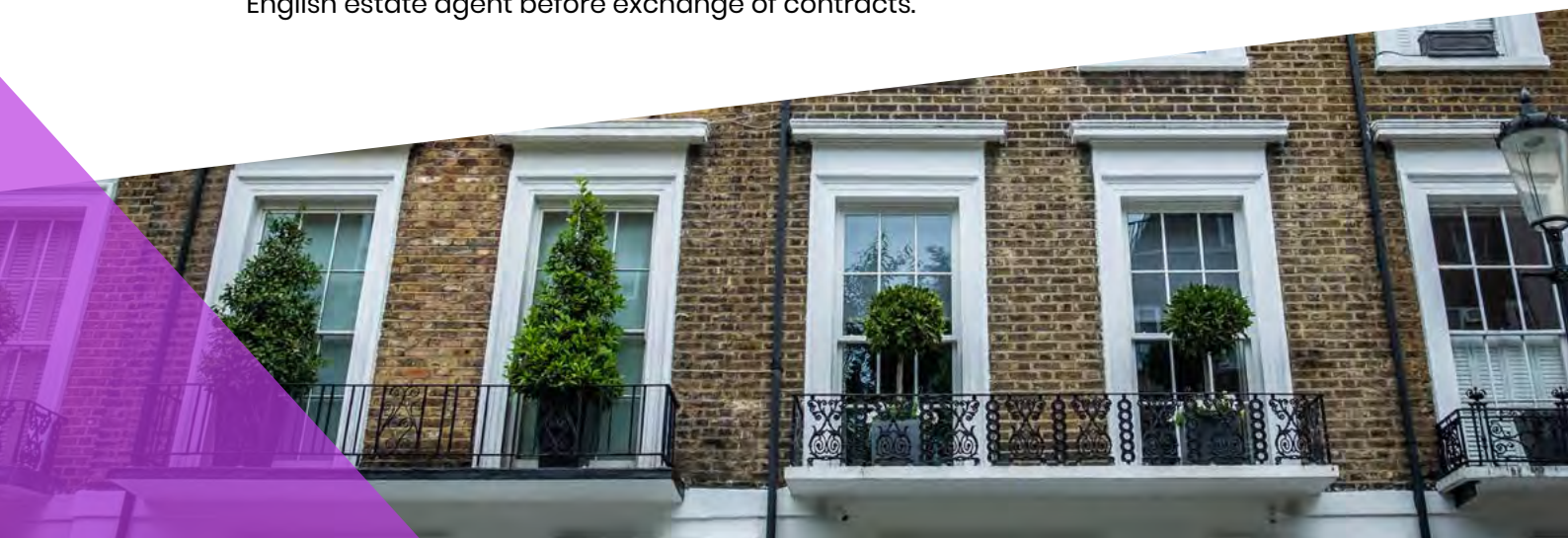
The purchase of a leasehold property often involves complications, especially in the event of a short lease whereby it is essential that the buyer negotiates an extension with the seller before completion. This is a lengthy procedure between the leaseholder and the freeholder of the building and the buyer might be required to engage chartered surveyors to obtain a precise market valuation of the lease in question. If the parties do not achieve an agreement on the premium, i.e. the value of the lease extension they can refer the matter to the Leasehold Valuation Tribunal.

- **Covenants**

When buying a leasehold property the buyer will often find restrictive covenants affecting the lease, i.e. promises to do or not to do certain things on or to the acquired property (common examples include covenants not to use the property for any trade or business, not to install wooden flooring or to erect external structures). The concept of restrictive covenants is much less extensive under Italian law.

- **No Security Before Exchange**

Under English law, up until exchange of contracts there is nothing legally binding between the parties and either party is free to pull out at any time and without penalty. In Italy however a reservation offer is signed at the outset of the proceedings ('proposta irrevocabile di acquisto') and if accepted within the required terms becomes a binding contract for both parties. At the same time a small deposit is paid in order to take the property off the market whilst in the UK no money passes hands until exchange of contracts. These differences need to be understood by an Italian buyer to avoid making mistakes, such as paying a deposit to the English estate agent before exchange of contracts.



Residential Real Estate

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Legal acquisition of residential real estate in the UK – main differences between the Italian and the English legal systems (cont.)

- **Joint Ownership**

Under English law properties in joint names can be held in one of two ways, as 'beneficial joint tenants' or as 'beneficial tenants in common'. The basic difference between the two categories is that beneficial joint tenants are both equally entitled to the property whilst beneficial tenants in common are entitled to specific proportions which may or may not be equal. These concepts are specific to the English property system and it is essential that an Italian buyer understands the differences, including inheritance issues and tax regimes involved with these concepts, before deciding to buy a property in London together with another person.

The above examples should give you an idea of the issues you might encounter if you decide to purchase a property in London and how confusing the legal process can be, especially if your English is not fluent. The solicitor acting for you in the conveyancing will send you the property searches, title deeds, deed of sale etc. for your comments, will ask you to read and understand such documentation in detail and request that you make various decisions during the process; for example in respect of joint ownership or the need for a chartered surveyor to evaluate the market value of the lease. Without a full understanding of the conveyancing documents and the English legal process you are likely to misunderstand important points and make wrong decisions.

Child & Child will simplify all these issues, providing you with a bilingual lawyer, fully qualified in English and Italian law and familiar with the differences between these two legal systems. The conveyancing documents will be explained to you in Italian or, if you do not speak any English, will be fully translated into Italian for you. You will be assisted throughout the process, receive a personalized service and charged reasonable and fair legal fees. In this way the legal process of buying a house in London will become a stress-free experience and you will be able to ask any questions and receive the best possible advice.



Residential Real Estate

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Legal fees and Stamp Duty Land Tax

Our legal fees vary according to the type of purchase, the problems that might arise from the due diligence and the value of the property. In addition to our fees the buyer will be responsible for Stamp Duty Land Tax, local authority searches and land registry fee. A structural survey on the property is also recommended.

Regarding stamp duty land tax on the purchase, this varies according to the value of the property as highlighted in the table below.

Stamp Duty rates, effective from 4th December, 2014

- | | |
|-------------------------|-----|
| • Up to £125,000 | 0% |
| • £125,001 – £250,000 | 2% |
| • £250,001 – £925,000 | 5% |
| • £925,000 – £1,500,000 | 10% |
| • Over £1,500,001 | 12% |

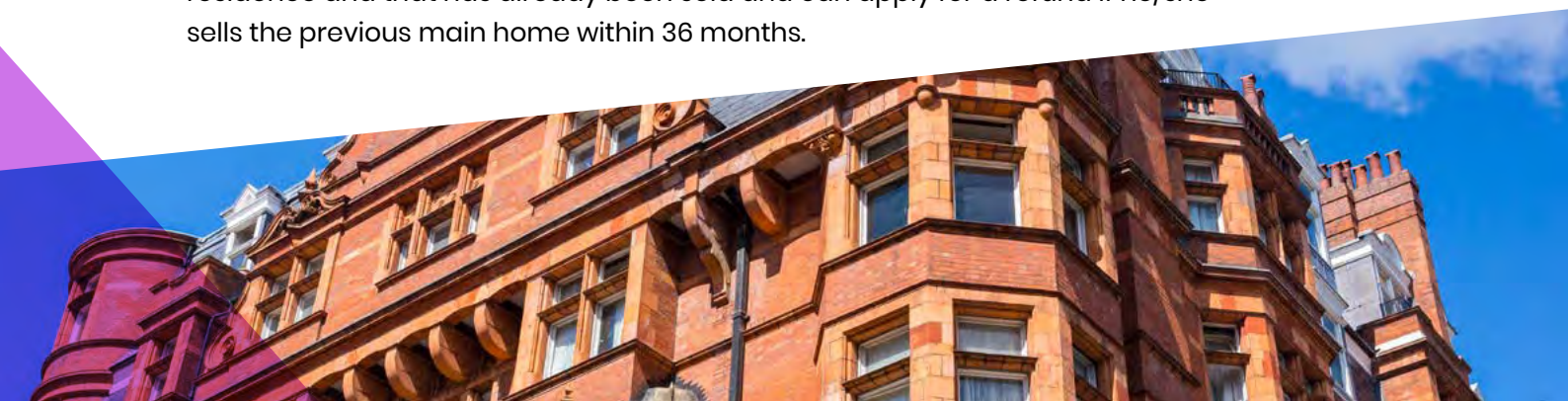
Stamp Duty is charged according to this banding. For example, for a £510,000 property, the stamp duty to be paid will be £15,500 as it will be calculated as:

- £125,000 at 0% rate = £0
- £125,000 at 2% rate = £2,500
- £260,000 at 5% rate = £13,000

However, until April 2021 the UK government has introduced a Stamp Duty Holiday, so no stamp duty tax is charged up to £500,000 to encourage property investments.

Recently the UK government has also introduced an additional 3% Stamp Duty Land Tax on top of the above rates for second homes. The buyer will have to pay this extra rate even if the property he already owns is abroad.

Such additional 3% SDLT is not payable if the buyer is replacing his/her main residence and that has already been sold and can apply for a refund if he/she sells the previous main home within 36 months.



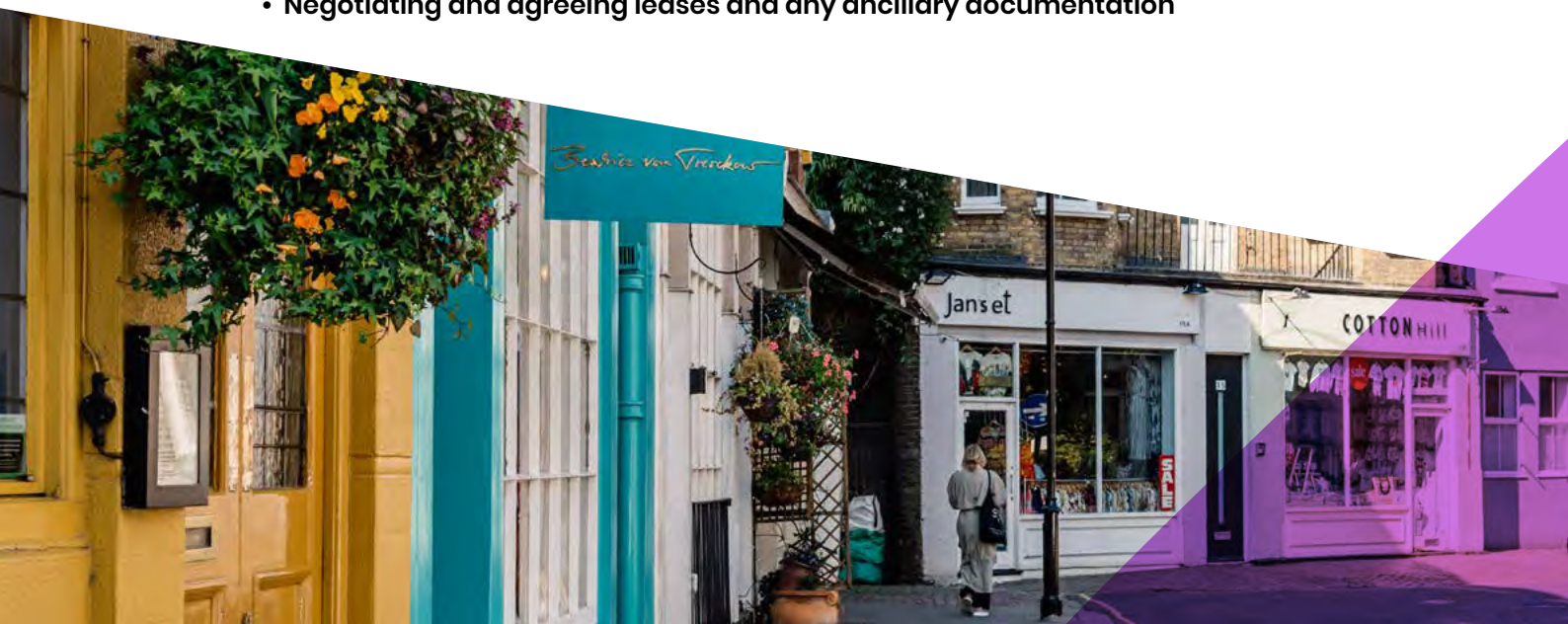
Commercial Real Estate

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You could be looking to invest or divest. You might be an individual investor. An institutional investor. An investment fund. A business occupier. Perhaps a developer.

Whatever is your background, you need the right solution. You need people who have legal expertise and commercial sense. Recognised experts. That's who we are. We will take you through every step. If you need guidance in boundaries, rights of light & party walls, we are here. And our expertise doesn't stop there. Our specialist knowledge includes:

- **Acquisitions and disposals of commercial real estate (freehold and leasehold)**
- **Investment**
- **Funding**
- **Development (commercial, residential and mixed use), including construction, refurbishment and fitting out**
- **Corporate and Business Occupation Requirements**
- **Landlord and Tenant and Property Management**
- **Retail and Leisure**
- **Property Dispute Resolution**
- **Receivership and Insolvency issues**
- **Property due diligence on corporate transactions**
- **Working with real estate agents to agree heads of terms for a proposed transaction**
- **Negotiating and agreeing leases and any ancillary documentation**



Other services

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Italian Private Clients

We can advise you on your estate planning for assets in Italy, such as Italian wills, Italian powers of attorney and inheritance tax. We can also manage the administration and winding up of Italian estates.

Private Wealth & Estate Planning

We structure declaration of trusts, deed of gifts, wills, lasting power of attorney and estate planning for estates and families across different jurisdictions. Our aim is to grow, protect and transfer your wealth by developing the right strategies to meet your needs.

Matrimonial & Family

We advise both international and UK clients on family law matters. These include divorce, child custody, pre and post nuptial agreements and civil partnerships.

Immigration

Whether you are an individual moving to the UK or a business looking to invest here, we will help you on all UK immigration matters, with specialist advice on:

- **Sponsor Licence** – licence applications, compliance advice and assistance, licence revocations
- **Business immigration** – as Tier 1, Tier 2 and Tier 5 visas.
- **Private immigration** – Tier 4 student visa, Tier 5 visa, entry clearance, indefinite leave to remain and passport applications.
- **Global Immigration** – International work permits

Tax & Accountancy

We offer comprehensive advice on all UK taxes. This includes inheritance tax, capital gains tax, SDLT, income tax, corporation tax and VAT. Our in-house accountant can also assist you filing your tax returns.



Other services

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Corporate & Commercial

We work with a variety of highly structured corporate entities. So, we specialise in incorporating a company, succession planning, and setting out directors' and shareholders' rights and liabilities.

Litigation & Disputes

We are experts in many litigation areas, including breach of contract, service charges disputes, intellectual property disputes, insolvency and asset recovery. We also have great expertise in negotiating licences for alterations if you need to restructure a flat and alter its original layout.

Commercial Disputes

Commercial disputes. Whatever their nature, they can cost your business substantial amounts of money and loss of reputation. So talk to a specialist. A commercially focused lawyer who understands both the legal and commercial implications which could impact your business.

We have supported, advised and represented clients in a range of disputes. And we can make that work for you.

We will understand your position and agree a strategy. All with the aim of resolving the issue in the most efficient and cost-effective way. Court action might not be the answer. Perhaps negotiation or mediation would be a better solution for you. You can be reassured that we will give you our best advice. As your trusted partner we will look for a positive result, however you want to proceed.



Key Contacts

Francesca Griffiths

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Head of Italian Desk



Francesca joined Child & Child in 2014 as Head of the Italian Desk and a solicitor in the property department, specialising in residential conveyancing.

Since qualifying as a UK solicitor in 2000, Francesca has worked in a number of legal roles in both London and Italy. Consequently, she is a dual Italian and English qualified lawyer and has experience of acting for a range of clients, advising them on various corporate and commercial matters.

In 2010, Francesca established Casa Londra Limited, a property consultancy firm working in partnership with Child & Child to offer bespoke services for Italian clients relocating to London or investing in the UK residential property market. This means when they buy a property in London, they not only receive legal assistance, but also the full range of related property services, from refurbishment to management and letting.

Francesca takes pride in providing a friendly, approachable service and establishing great relationships with her Italian clients. Offering clear, concise legal advice, she helps them to understand the differences between the English and Italian legal systems and to better manage their London investments.

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Key Contacts

Silvia Pecchio

Italian Lawyer

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Silvia gained an LLM in Law at the University of Turin and was admitted to the Italian Bar in 2015. She is also studying to take the Qualified Lawyer Transfer Scheme in order to qualify in England and Wales.

In her role on the Italian desk, Silvia supports different Child & Child teams, in particular the Residential Real Estate and the Private Wealth teams, with their Italian clients.

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Key Contacts

Benedetta Bonanno

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Paralegal



In 2016 Benedetta moved to the UK from Rome, Italy to begin her law degree at the University of Sussex from which she graduated in July 2019.

In July 2020, Benedetta completed the LPC at the University of Law. Her next step and ambition is to become a qualified solicitor in England and Wales.

Benedetta joined Child & Child in January 2020 as a paralegal in the Italian Desk. Since then, she has supported the firm as a whole, offering her services where needed with clients, particularly those who are Italian. The department she works most often with is the Real Estate department, where she supports the team on a daily basis with the various transactions.

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