

McCormicks Briefing

Christmas 2018



Excellent service
Yorkshire's finest
Brexit ahead



McCormicks
SOLICITORS

Our Head of Private Client, Elaine Lightfoot, continues to receive numerous instructions from clients wishing to set up Lasting Powers of Attorney or to update existing arrangements. Here she explains the benefits.

Plan for the Future

For many clients, drafting a Lasting Power of Attorney is their first experience of any sort of power of attorney. However, recently, I have found many instructions received are from clients who entered into Enduring Powers of Attorney pre 2007 but now find such documents fall short of their requirements.

Whilst there is not always the necessity to update the power of attorney from the old style EPA, many clients wish to update their instructions in respect of their chosen attorneys to often add a larger group

of chosen attorneys or are attracted by the flexibility of the Lasting Power of Attorney for Property and Financial Affairs, including the ability to include preferences and instructions relating to, for example, management of discretionary investments following the loss of capacity.

I have also seen an increase in clients wishing to draw up LPAs for Health and Welfare matters with a greater awareness of the difficult decisions families and loved ones may face in the future if the donor is unable to make such choices.

People often have firm views on aspects such as life-sustaining treatment and for them, understandably, it is important to have a legal document drawn up appointing the correct people to make such choices if the need arises in the future. Many such instructions come from GP and care home referrals where medical/

care staff are well versed in the advantages of clients having such LPAs in place.

The process itself is straightforward but clients benefit from being able to discuss the options available to them in detail with me and the team. We can give guidance on how such LPAs work in

practice to ensure that any misconceptions are nipped in the bud.

LPAs can be drawn up at relatively little cost when compared with the alternative of a Court of Protection application if a person no longer has capacity and is therefore unable to enter into an LPA.

Partner Elaine Lightfoot heads our Private Client team.

Her areas of expertise include Wills, Trusts, Settlements, Inheritance Tax Planning, the Administration of Estates and Trusts of all

sizes and complexities, together with Lasting Powers of Attorney and Court of Protection matters. Elaine also advises in respect of care home fees planning.



Elaine Lightfoot

Senior Partner Peter McCormick has been reappointed to the national sports dispute resolution body

Sport Resolutions

He will be a member of the Sport Resolutions (UK) Panels of Arbitrators and Mediators for a further three-year term.

The appointment means that he will continue to Chair arbitrations. In addition he has been appointed to three expert panels within

the organisation: Commercial; Professional Football; and Discipline and Integrity.

Sport Resolutions (UK) is an independent, not-for-profit, dispute resolution service for sport in the United Kingdom. Established by the main stakeholder groups in sport, it aims to provide

an expert, speedy and cost-effective alternative to internal appeals processes and

court-based litigation. It provides sport-specific arbitration and mediation services and

operates the National Anti-Doping Panel (NADP) and National Safeguarding Panel (NSP).



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As 2018 draws to a close, I am delighted to report another busy and positive year for McCormicks.

Christmas and New Year Greetings

In January we appointed our new head of Corporate and Commercial, Partner Jon Healey, who many of you will have now met. So busy has the department now become, we added to the team with the appointment of Emily Steed just six months later.

We have also boosted our Commercial Property department, again reflecting its work levels, with the appointment of Tiffany Jackson to assist head

of department, Partner Heather Roberts.

The head of our Family Team, Stephen Hopwood, has been made a Partner to reflect his commitment both to achieving the best possible outcomes for our Family clients and to the practice.

Brian Nuttney's qualification as a Solicitor has further added to the strength of our General and Corporate Crime and Risk team.

We have marked the

26th anniversary of the Yorkshire Young Achievers Awards with some fantastic winners, who you can read about in this issue, and added to our own list of Awards with two more this month.

We have also won praise for our work in the leading guides to the legal profession which, again, you can read more about in this issue.

While 2019 will undoubtedly bring challenges for us all, not least as the implications

of Brexit become ever more apparent, early signs are that it should be a positive year for our lovely region, which will play host to the 2019 UCI World Cycling Championships, with all of the races finishing in our home town of Harrogate.

We also look forward to the 16th anniversary of the Theakston Old Peculier Crime Writing Festival and to England's biggest agricultural show, the Great Yorkshire Show, both of which the firm supports.



Peter McCormick

My colleagues and I wish you a very merry Christmas and a happy, healthy and successful New Year!

Peter McCormick OBE

"Excellent Service" Rewarded

The "excellent service" offered by McCormicks has been recognised in the newly-published UK Legal 500, one of the leading guides to the legal profession.

The firm is praised for its expertise and service in the editorial covering a number of different legal disciplines, including Dispute Resolution, Agriculture and Estates, IT and Telecoms and Intellectual Property.

Published the same week as Chambers UK 2019, the two leading guides make 47 individual recommendations for lawyers at the firm in 22 areas of law.

The UK Legal 500 singles out both Senior Partner Peter McCormick OBE and Consultant Neil Goodrum in its new Hall of Fame, which highlights individuals who have received constant praise from their clients for

continued excellence.

Peter McCormick is also ranked in the elite "Leading Lawyers" list as a Leading Individual in Sport in both London and the Yorkshire and Humber, with clients referring to him as "the god of sports law", whilst Head of Commercial Litigation, Partner Philip Edmondson, is listed as a "Next Generation" lawyer in Sport.

The UK Legal 500's individual recommendations cover 10 lawyers, including all eight Partners, at the firm across 18 different disciplines, for all of which the firm as a whole is ranked.

McCormicks is recommended in the London section of the guide for its work in Professional Discipline, Sport and for Mediators. It has again led the way for Harrogate and

North Yorkshire-based practices as the only Harrogate practice recommended in eight areas of law, namely EU and Competition, Crime (Fraud), Crime (General), Contentious Trusts and Probate, Sport, Dispute Resolution: Mediators and Professional Discipline.

Chambers UK recommends both Peter McCormick and Neil Goodrum in its rankings. Peter McCormick said: "It is gratifying to have won these recommendations from publications which carry out research both with our clients and with our fellow professionals and the whole team is delighted to have achieved such a great result."

The firm also wins recommendations from the UK Legal 500 for its work in Corporate and Commercial, Dispute Resolution/Commercial Litigation, where it is

described as having "exceptional customer service", Agriculture and Estates, where it has an "excellent" agricultural and rural affairs team, Charities and Not-for-Profit, Family, Private Client (Personal Tax, Trusts and Probate), Commercial Property, Property Litigation, IT and Telecoms and Intellectual Property. Chambers commends the firm for Sport, being the only North Yorkshire firm to win a national ranking, Agriculture and Rural Affairs, Crime and Mediators.

What the Guides Say

Agriculture and Estates and Rural Affairs

The "excellent" agriculture and rural affairs team at McCormicks is led by Senior Partner Peter McCormick, who has significant charity law experience. McCormick continues to be instructed by the Royal Horticultural

Society. Heather Roberts is recommended for commercial property matters; Philip Edmondson for handling disputes; and Jon Healey for corporate and commercial matters, particularly in relation to shooting estates. Head of the Private Client team Elaine Lightfoot is another name to note.

UK Legal 500

Well-regarded agricultural practice based in Harrogate, providing clients with full rural property and tax planning services. Acts for a number of large landed estates on a wide range of matters including acquisition, disposal, voluntary registration and diversification. Also represents clients in disputes. Key specialism in work involving shooting estates. One client says: "There's no messing around and no frills at

McCormicks. They're straight to the point and give you quick responses." Head of practice Peter McCormick is a trusted adviser to significant estates and shooting businesses in Yorkshire. He is well known for his expertise in this area.

Chambers UK

Charities and Not-For-Profit

Managing Partner Peter McCormick leads the charities practice at McCormicks and continues to act as Trustee for several organisations. Leveraging the firm's strength in the sport sector, the practice's clients include the Premier League Charitable Fund and the Football Foundation. The team has recently advised the former on several matters including on a sponsorship agreement with Barclays Bank. Clients also include Harrogate International Festivals, the John Strutt Centre for Parrot Conservation and the War Memorials Trust. Head of Private Client group Elaine Lightfoot regularly advises charity clients and is a key name to note, in addition to Heather Roberts for property advice.

UK Legal 500

Commercial Property

Heather Roberts heads the department at McCormicks and is noted for her retail expertise, commercial lettings work, site acquisitions and developments, and landlord and tenant matters. Highlights included acting for Yorkshire Agricultural Society, assisting Leeds United FC with property issues relating to its stadium and training ground, and acting for the Premier League on matters surrounding the redevelopment of its London headquarters.

UK Legal 500

Contentious Trusts and Probate

McCormicks' contentious tax, trusts and estates team regularly represents



Senior Partner Peter McCormick

both families and professionals in complex disputes. Peter McCormick heads up the practice and has significant expertise acting for executors, trustees and potential beneficiaries of very significant estates and trusts. Other key names to note in this area include Litigation department head Philip Edmondson and Elaine Lightfoot, who leads the Private Client group.

UK Legal 500

Corporate and Commercial

McCormicks is "highly renowned for its sporting expertise" with a client roster including Leeds United FC and the Premier League; Senior Partner Peter McCormick leads the relationship with the latter and recently advised it on the commercial issues relating to club takeovers and financing work. Jon Healey heads the practice; his expertise encompasses acquisitions and disposals, joint ventures, shareholders agreements, reorganisations, restructurings and commercial contracts. Other highlights include advising the Premier League Charitable Fund on a joint venture project with the Premier League and BBC Children in Need, and acting on a sponsorship agreement with Barclays Bank; assisting the Isthmian League with its restructuring and corporate governance issues and acting for Harrogate International Festivals on its corporate restructuring.

UK Legal 500

Crime: Fraud

Geoffrey Rogers



Heather Roberts

heads McCormicks' Corporate Crime and Risk department which is highlighted for its strength in defending commercial and white-collar fraud allegations. The team recently acted for an individual accused of fraud involving investment monies, in a case involving complex multi-jurisdictional issues. In another work example the team is representing an individual who allegedly defrauded suppliers throughout Yorkshire in missing trader fraud proceedings involving multiple defendants.

UK Legal 500

Crime: General

In Harrogate, McCormicks' Corporate Crime and Risk unit, headed up by Geoffrey Rogers, has experience defending clients in the full spectrum of serious criminal allegations and prosecutions. The team is representing individuals facing allegations of kidnap, attempted murder, as well as drug charges. Peter Minnikin and senior associate Sara Morgan are names to note, particularly for firearm and regulatory offences, and professional regulatory work, respectively.

UK Legal 500

Dispute Resolution/ Commercial Litigation

McCormicks' "excellent" practice has "exceptional customer service" under the leadership of Senior Partner Peter McCormick, whose "excellent ability and knowledge of the sport sector really sets him apart". The group is also active in the insolvency space and handles landlord and



Jon Healey

tenant disputes, fraud, partnership litigation and shareholder disputes. Clients also praise Philip Edmondson, who "is a genuine professional". Recent work includes acting for the Premier League in a challenge to its ban of third-party ownership of footballers' economic rights; Rudding Park, Leeds United FC, GMI Construction Group and Oracle Finance are also clients. **UK Legal 500**

Dispute Resolution: Mediators (London)

Formerly an equity partner at McCormicks (where he remains a Consultant), CEDR Chambers' Neil Goodrum "remains unflappably calm even in the face of seemingly intractable positions taken by parties; he continues to question and probe and eventually excellent results are achieved". Goodrum recently mediated a dispute involving a personal injury claim for psychiatric injury sustained during employment; and assisted with an agency fee dispute between a professional sportsman and his former agent. **UK Legal 500**

EU and Competition

Peter McCormick leads the team at McCormicks, which counts the Premier League as a key client; recent highlights include representing it in an arbitration against Leyton Orient relating to its decision to allow West Ham United to use the Olympic Stadium and claims that the decision was in breach of competition law, defending it in an EC complaint brought by Doyen Sports alleging that the Premier League rules



Elaine Lightfoot

infringe competition law by preventing third party ownership of players, and representing it in a complaint brought to the EC by FIFPro alleging that certain elements of the way the international transfer market operates are anti-competitive and breach European law. Leeds United FC, Cleveland Process Designs, Harrogate International Festivals and Plantagenet Media are also clients. Philip Edmondson is a key name to note.

UK Legal 500

Family

McCormicks Family practice, headed up by Stephen Hopwood, handles a range of matters including financial and divorce proceedings, domestic abuse cases and children law matters. The practice is currently instructed by a father in complex Children Act proceedings involving litigation relating to parental alienation syndrome. The practice is also representing a respondent in a financial remedy case valued at £3m, this matter includes consideration of trusts, family businesses and intervening parties on behalf of the company.

UK Legal 500

Intellectual Property

Clients of McCormicks "are spoilt at all levels thanks to the truly excellent service that the firm provides". Jon Healey leads the department which is prominent in the sport and media sectors. In a recent highlight, the team advised the Premier League Charitable Fund on data protection issues, trade mark licences and a sponsorship agreement



Philip Edmondson



Geoff Rogers



Peter Minnikin



Sara Morgan



Stephen Hopwood

with Barclays Bank. Other work includes acting for Harrogate International Festivals on multiple sponsorship agreements with its lead sponsors Theakston and WH Smith, assisting the Premier League with operational and IP issues surrounding the company's website including the Fantasy League facility, and handling trade mark registrations for Cleveland Process Designs. Leeds United FC, Rudding Park and Plantagenet Media are also clients.

UK Legal 500

IT and Telecoms

The "high-quality, quick and efficient service" provided by McCormicks is led by Jon Healey and includes the "always fabulously reassuring" Peter McCormick. Clients are primarily based in the sport, media and entertainment sectors with examples including the Premier League, Leeds United FC and Plantagenet Media. The team has IT retainers with Welcome to Harrogate and the Premier League Charitable Fund; it also advised Cleveland Process Designs on the licensing of multiple software programs, assisted P4 Software with its acquisition of rights in bespoke shipping and logistics software and represented Gareth Harris Limited in a dispute relating to a partnership agreement, website URL ownership and database rights.

Private Client: Personal Tax, Trusts and Probate

McCormicks frequently represents private clients, trustees, beneficiaries, attorneys and deputies

on a broad spectrum of issues. Leveraging the firm's sport sector expertise, the team is instructed by the Premier League to advise on trust structures to protect young players wealth. The team also advises estates and high net worth individuals on tax and inheritance planning. Elaine Lightfoot heads the team and works closely with Commercial Property Partner Heather Roberts.

UK Legal 500

Professional Discipline (London)

McCormicks' practice includes advising accountants on disciplinary proceedings brought by both the Institute of Chartered Accountants for England and Wales and the Association of Chartered Certified Accountants. Peter McCormick OBE is a sports regulatory specialist, who also regularly represents solicitors and firms of solicitors that are the subject of investigations or prosecutions by the Solicitors Regulation Authority; Peter Minnikin has developed a portfolio of disciplinary work including medical practitioners, physiotherapists and work for the agricultural charity; and senior associate Sara Morgan is particularly focused on registered pharmacists.

UK Legal 500

Property Litigation

Philip Edmondson and Heather Roberts jointly lead the practice at McCormicks, which handles landlord and tenant work, property management issues, shooting lease mandates

and dilapidation claims. Recent highlights include acting for the John Strutt Centre for Parrot Conservation in two boundary disputes; representing Leeds United FC in disputes relating to Elland Road Stadium and the training ground at Thorp Arch, and handling a lease renewal dispute for a retail property. The Premier League is also a key client for the firm; name partner Peter McCormick leads the relationship.

UK Legal 500

Sport (Yorkshire and the Humber)

McCormicks "sits at the top of the list for a reason" thanks to the "unparalleled experience" of Peter McCormick; "the god of sports law" according to clients, McCormick is "totally unflappable and commercially astute" with "a wealth of knowledge and experience in the football world that simply can't be matched". The Premier League is a key client for the team; recent work includes advising it on the approvals process in applying the Owners' and Directors' Test when a club takeover or acquisition occurs, defending it in litigation against Doyen Sports relating to allegations that the league's banning of the third party ownership of players is anti-competitive, and assisting it with West Ham United's move to the London Stadium. The department also assisted Leeds United FC with contractual arrangements with its manager and coaching team, acted for the Premier League Charitable Fund on

multiple sponsorship contracts, and handled governance issues, sponsorship work and commercial transactions for the Isthmian Football League. The firm also acts for The Ryman League, McLaren Formula One, Yorkshire County Cricket Club, Leeds Rhinos RLFC and a number of shoot proprietors. Other key figures include Philip Edmondson, who is the key name for litigation, and corporate specialist Jon Healey.

UK Legal 500

Sport (London)

Well known for its "longstanding history" in sports law, McCormicks is said by some clients to be "by far the leading firm as regards representing major football bodies"; the Premier League is its most prominent client. Other sports in which the team is experienced include rugby, boxing, athletics, horseracing and motorsports. "Highly intelligent" name partner Peter McCormick is "thoughtful and pragmatic", and widely regarded as "a giant in football-related law"; he is chief adviser to the Premier League, advising it on regulatory matters, corporate due diligence, ownership issues, licensing, insolvency, real estate and dispute resolution. Other football clients include Leeds United FC, Harrogate Town AFC and Walsall FC. Outside of football, shooting is a particular strength: the team advised the Gamekeepers' Welfare Trust on employment matters, acts for the proprietors of 23 grouse, pheasant or partridge shoots, and assists

members of the public with obtaining firearms certificates. Other clients include McLaren F1 Team, Yorkshire County Cricket Club and the Leeds Rhinos.

UK Legal 500

Sport (UK-wide)

Yorkshire practice providing expertise in a range of matters including contentious and non-contentious football work, continuing to be a principal adviser to the Premier League, with additional clients in shooting and cricket. Involved in grassroots football development and provides experience in arbitration and mediation. Advises on a broad range of corporate and commercial issues, including sponsorship, governance issues and insolvency. A client comments: "They have a good commercial understanding of sport and have always been able to resource what I wanted." Another notes: "They face up to the actual issues and they're very good at dealing with clients. It's a very good team all the way down." Peter McCormick receives praise from market sources for his "common sense and pragmatic approach." He advises several high-profile clients, including the Premier League, on a range of corporate, commercial and litigation matters. Market sources say: "He really does know football rules and regulations inside out and is also exceptionally commercial."

Chambers UK

Eight young stars from across the region were recognised for their talent and determination at the 26th Yorkshire Young Achievers Awards at Leeds United's Centenary Pavilion.

Celebrating Young Achievers at Awards

Multi medal-winning Leeds gymnast Nile Wilson was named Personality of the Year in front of more than 330 guests, while the Youngster of the Year title went to a young Mirfield girl triumphing in taekwondo after losing both legs as a baby.

The Awards, sponsored by McCormicks, mark the achievements of young people in eight categories, from the Arts to Sport, and are organised by the Yorkshire Young Achievers Foundation which has now raised more than £1.25m to support young people in Yorkshire.

Peter McCormick said: "By complete chance, we had five different sports recognised across the eight categories of the Awards which shows how important sport can be in terms of helping young people to achieve their full potential in a variety of different ways. We heard some great stories about all our winners, including what it takes to be a young achiever in the arts and in business and about how overcoming adversity helps to produce some truly inspiring winners.

"These Awards are also our main fundraiser of the year and none of this would be possible without the support of our sponsors and our guests, many of whom have been with us almost since the beginning."

As well as marking the achievements of this year's winners, the Awards also saw the presentation of a grant cheque to Support Dogs which provides assistance dogs for young people with autism. 2015 Personality of the Year Bailey Matthews brought the audience up to date with his recent achievements, while 2017 Personality Lizzie Jones presented the Youngster of the Year Award.



The full line up of winners was:

Personality of the Year, sponsored by Ridding Park

Nile Wilson of Leeds

Nile has a host of medals to his name, starting even before he graduated to senior level. This year has seen him add to his tally with five more medals at the Commonwealth Games in Australia, with gold in the men's artistic team all-around, the individual all-around and the horizontal bar and silver on the rings and parallel bars.

Youngster of the Year, sponsored by GMI Property

Maisie Catt, nine, of Mirfield

At just five months old, Maisie contracted meningitis and then septicaemia, leading to amputation of both her legs. When she saw her brother Finlay at his Taekwondo classes she was keen to have a go. She has done so well in her new sport that she has been picked for a national GB Taekwondo Para-Poomsae academy squad, an elite training programme.





Youngster of the Year Maisie Catt receives her award from last year's Personality of the Year, Lizzie Jones, on behalf of sponsors GMI Property.

Achievement in the Arts, sponsored by Barclays

Amara Okereke of *Adel, Leeds*

Amara has made history by becoming the first black actress to play the role of Cosette in *Les Misérables* and is currently starring in the production at the Queen's Theatre West End of London. So successful has she been that in September she won Best Actress in a Musical in the Stage Debut Awards and she has just been shortlisted for the Broadway World award for Best Actress in a Musical.

Achievement in Management and Enterprise, sponsored by The Wetherby Whaler Group

Rose Dyson of *Silkstone, Barnsley*

Rose started her own business, Pura Cosmetics, at the age of 15 and now, just three years later, has been recognised as one of the most promising CEOs in the country. She started out with investment of just £25, creating a



Yorkshire Young Achievers Awards Personality of the Year Nile Wilson receives his award from Simon Mackaness of sponsors Rudding Park, left, and Awards Chairman Peter McCormick OBE.

recipe for a natural, cruelty-free, vegan lip scrub and balm and producing it at home, which she then sold at local craft fairs and Barnsley market. She turned over £50,000 in 2017 and won the UK Young Trader of the Year title last year and was named the top young entrepreneur by Transferwise this year.

Achievement in Sport, sponsored by Leeds United Football Club

Ellen Buttrick of *Leeds*

Ellen was inspired to take up her sport by seeing people rowing on Roundhay Park Lake, close to her home in Leeds. During her time at Northumbria University she was diagnosed with juvenile macular degeneration, an inherited eye disorder resulting in gradual sight loss, which is currently incurable.

She joined the GB Para-rowing squad earlier this year and at her first ever international race with the Para-rowing team in September her team took the gold medal in the mixed coxed four in the World Rowing Championships in Bulgaria.



Achievement in the Arts winner Omara Okereke's singing coaches, Susan Lees and Helen Leaf, receive the Award on her behalf from Martin Gerrard of Barclays.

Achievement in Education, sponsored by Positive Tax Solutions

Devan Witter of *Market Weighton*

Devan Witter was bullied at school, both physically and verbally, with his teachers unsure how to help. He set up his own anti-bullying project and went on to create a website of information for teachers about bullying and how to tackle it.

He now works for East Riding Voluntary Action Services which champions and supports the voluntary and community sector and is Social Action Leader (Hull) for its Volunteer project. He is one of the youngest recipients of the British Empire Medal and was invited to a Buckingham Palace garden party this summer.



Bailey Matthews and Duncan Wood

Unsung Hero, sponsored by Lunchbox Theatrical Productions

Cameron Osburn of Harrogate

Cameron was born with Cerebral Palsy which gave him physical challenges to overcome as he grew up. He joined a junior football club, never missing a training session but rarely being selected for the team, so he turned his attention

to Silat, a martial art. His talent shone through and he became both the first junior and adult black belt. In turn, he taught others, including adults, giving him the satisfaction of watching them improve.

His early love of football never left him, however, and when he was 15, he found Cerebral Palsy football and started playing for the North East and Yorkshire team. He then set up his own project. Adversity United is a Harrogate-based football team for disabled under 12s. Cameron worked tirelessly to connect with local businesses, including Harrogate Town FC.

Special Award, sponsored by Walsh Taylor

Jessica Mayho of Cononley

Jessica first came to the Yorkshire Young Achievers Foundation's notice as a grant recipient, receiving support to fund her training in her aim to become Britain's best hammer thrower. Since then, she has supported the Foundation in a number of ways, including helping to launch the Awards on more than one occasion and always being happy to meet sponsors and supporters at events.

This year she took silver at the British Athletic Championships with a season's best throw, hot on the heels of becoming the North of England Senior Hammer Throw Champion 2018.



Rose Dyson receives the Achievement in Management and Enterprise Award from Janine Murphy of The Wetherby Whaler.



Achievement in Education winner Devan Witter is presented with his Award by Stephen Burwood on behalf of Positive Tax Solutions



Kate Ellis of Walsh Taylor presents the Special Award to Jessica Mayho



Achievement in Sport winner Ellen Buttrick receives her Award from Eddie Gray on behalf of sponsors Leeds United.



James Cundall of sponsors Lunchbox Theatrical Productions presents the Unsung Hero Award to Cameron Osburn



Personality of the Year Nile Wilson and previous winner Bailey Matthews capture the experience for Nile's YouTube channel.



Kathryn McCormick, Belinda and David Richmond



Representing Emmerdale were, in front from left, Alfie Clarke, Gabrielle Dowling, Amelia Flanagan, Daisy Campbell and Seb Dowling and behind, from left, Fiona Clarke, Rachel Flanagan, Alison Campbell, Louise Dowling



Tristan Andjell, Harry Phillips, Karen Phillips, Claire Andjell and Andrew Phillips



Chris Hassell, Claire Hassell and Ron Miller



Peter Arnold, Gill Arnold, Denise Stroud, Col Alan Roberts, Richard Stroud and Avi Shvitiel



Graham Howes, Annette Howes, Phillip Murphy, Margaret Baker, Roy Tate, Jill Tate, Janine Murphy and Bill Baker



Jess Mayho, Peter McCormick, Sonia Jones



Liz Green, Carol Bridgestock and Mandy Taylor



Martin Atkinson, Julie Atkinson, Marie Griffiths, Geraldine Riley, Bernadette Scatchard, Adam Gale-Watts and Mike Riley



On stage are, from left, Richard Stroud, Nile Wilson, Duncan Wood, Lizzie Jones, Peter McCormick, Christine Talbot and Eddie Gray.



Emily Steed, Tiffany Jackson, Will Bates, Elaine Lightfoot and Heather Roberts



The Stroud family

The rules on drugs and driving cover not only illegal drugs but prescription medicines as well. Solicitor Sean Wilson from our Criminal department explains the implications.

Stay Safe

"Anyone who gets behind the wheel while under the influence of drink or drugs is putting lives at risk-and we will not tolerate", so states the strap line on North Yorkshire Police's website. Whilst the drink laws and limits have been around for some considerable time, there is a relatively new law in force relating to drug driving.

Before 2 March 2015 there were no statutory limits for levels of drugs in the body that were prohibited. Prosecutions were based on a field impairment test and the accused standard of driving as witnessed, usually by the police. That all changed with two sets of regulations brought into force in 2014 and 2015.

The regulations set the levels for eight illegal drugs and nine medicinal drugs. The eight illegal drugs are Cocaine and its metabolites

of Cannabis and Methylamphetamine, Ketamine, MDMA (ecstasy), Heroin and LSD. The legal limits of these drugs are set at a low level, but this limit is said to have "sufficient tolerance to allow for accidental exposure" according to the Crown Prosecution Service. Whereas alcohol can be detected in blood for 10-12 hours, in the case of Cocaine it is detectable for one to two days, Heroin 12 hours and Cannabis for up to two weeks. This means that even the occasional user could fall foul of these new limits.

The medicines for which levels have been set include Diazepam, Methadone, Temazepam, Amphetamine and Morphine. In respect of these the limits have been set where they exceed normal prescribed doses. This means the vast majority of people prescribed these medicines can

continue to drive provided that:

1

They are taking them in accordance with their prescription and the advice of their medical professional, and

2

Their driving is not impaired.

If convicted of the offence the punishment is a minimum one-year ban for a first offence. Those with previous convictions or convictions for drink-driving in the past 10 years can expect a minimum three-year ban. In addition, the court could impose an unlimited fine and/or six months' custody. The degree of impairment of driving and presence of other drugs and alcohol are aggravating features.



Sean Wilson is a Consultant Solicitor working in the Criminal Department.

He is a former dental surgeon, who retrained as a lawyer following a car crash in his late 20's. He obtained a Master of Law from Leeds University in 1996, completing the Legal Practice Course in 1997. He started as a Trainee Solicitor with Geoff Rogers in Harrogate in 1998. He was admitted as a Solicitor in July 2002.

He appears regularly in the magistrates' courts and police stations to represent clients in the full range of criminal and motoring offences.

He instructs and works closely with Counsel in Crown Court matters on a regular basis. He has represented clients charged with the most serious offences involving violence, historic sexual offences, sexual offences, serious fraud and dishonesty offences.

He is a former Chairman and Vice Chairman of the UK Airsoft Sites Governing Body and was involved in protracted negotiations with the Home Office in respect of the 'airsoft defence' provisions of the Violent Crime Reduction Act 2006. He also advises the UK Airsoft Retailers Association in relation to firearms law.



Sean Wilson

McCormicks has been named as UK Sports and Media/Entertainment Law Firm of the Year by the corporate magazine news site, ACQ.



Peter McCormick

Sporting Firsts

Senior Partner Peter McCormick has also been named UK Sports and Media/Entertainment Lawyer

of the Year by the same publication.

The Awards were part of ACQ Global Awards and

follow hot on the heels of four regional titles for the firm earlier in the year, for Sport, Media and Entertainment;

Corporate and Commercial; Commercial Litigation and Private Client.

The full implications of Brexit were still unclear as we went to press. Here our Head of Corporate and Commercial, Jon Healey, and Head of Commercial Litigation, Philip Edmondson, consider the implications for commercial contracts.

Implications of Brexit for Contracts

With just a few short months before we are told that we will have left the EU, there are many potentially thorny legal issues to be considered when reviewing existing contracts or future-proofing new agreements in a UK only or cross-border business-to-business context.

Prepare to Succeed

The starting point is to ensure you have a thorough understanding of the commercial implications of Brexit for your particular business. Every business should consider its own particular circumstances based on factors such as its location, regulatory environment, the location of its key customers and suppliers and the make-up of its workforce. This process should help us all to create a plan in relation to each issue which clearly identifies:

- ▶ The extent to which a business may have to change as a result of Brexit.
- ▶ The key risks and opportunities.

This process is primarily a matter of understanding the commercial implications for your business but there are also likely to be many legal considerations. We recommend that a contractual review should be carried out to support and inform the commercial plan. It may be that your business needs to instruct a solicitor to amend template contracts and ensure relevant issues are considered and covered in future contract negotiations.

Review of Contracts

Few of us will have the time to review every single contract that our business has entered into. Prioritising will be key. That prioritisation process can be determined by the Brexit response plan and be driven by the following thoughts and questions.

▶ Business changes

Which contracts will necessarily be affected by the business' overall response to Brexit? Could this mean that particular agreements or classes of agreements need to be novated, amended or terminated? For example, if the business intends to relocate some of its operations, will that mean contracts related to the previous location of the business need to be transferred or terminated?

▶ Brexit changes

Even where the Brexit response plan does not directly affect a contract, Brexit itself may still have an impact. The likely issues to consider are set out below. This should help identify those contracts most likely to be most affected by Brexit.

Existing contracts should be assessed by reference to their term and flexibility:

▶ Term

Will that contract still be in force on 29 March 2019, the date when, barring some dramatic change of events, the UK will cease to be a member of the EU? If the UK enters into a transitional arrangement, will it still be in force when the

transition period ends, currently envisaged as 31 December 2020?

▶ Flexibility

How flexible is that contract? For example, if the contract can be terminated on short notice, that might provide a useful escape route but raises the risk that the counterparty might also terminate. Similarly, are there any minimum purchase commitments under the contract or is it an "at will" arrangement?

The contractual audit should likely need to address a selection of the following issues:

▶ Does the agreement contain territorial references to "the EU"?

If so, will that include the UK after Brexit? This will depend on how has the EU been defined. It will be important for many commercial agreements.

▶ In what currency must payments be made?

Who bears the risk of change in exchange rates during the term of the contract? Are the prices fixed in a particular currency and is there a mechanism to vary the charges in light of any changes to exchange rates?

▶ Who pays tariffs?

Could the provision of goods or services become subject to additional tariffs, either in relation to exports to and imports from the EU, or to and from countries with which the EU has a trade deal? Who would pick up the costs of those tariffs?

Partner Philip Edmondson is Head of our Commercial Litigation team and has received personal recommendations in the independent UK Legal 500 and Chambers guides.

He has a wide range of experience across a large spectrum of commercial litigation work, including claims involving breach of contract, sports disputes, insolvency, professional negligence, partnership disputes, landlord and tenant, dilapidations claims, HM Land Registry and matters with multi-jurisdictional elements.

Philip has worked for a large variety of clients ranging from PLCs and large private companies to family businesses and individuals. He is also experienced in using appropriate forms of alternative dispute resolution to try to resolve disputes quickly and cost effectively, wherever possible.



Philip Edmondson

Are sales subject to Incoterms and, if so, which Incoterm?

▶ Who is responsible for customs clearance?

Who will pick up the cost and expense of managing this process? Are sales subject to Incoterms and, if so, which Incoterm? What impact might customs control have on agreed service levels and delivery timetables?

▶ Are there data transfers from the EU to the UK?

If so, will Standard Contractual Clauses or other mechanisms be needed to ensure those transfers can continue post-Brexit?

▶ Will Brexit result in any tax changes?

Will Brexit result in changes to the tax treatment of payments under the contract, for example changes to the way VAT is applied?

▶ Is there a hardship clause?

Is there any clause which deals with which party should bear the burden of increases in costs of supply, fluctuations in interest rates or exchange rates, and other changes to factors that the parties took into account when they made the deal? If so, could it be triggered by Brexit?

▶ What effect will a force majeure clause have?

Do you want to provide specifically that Brexit (or any of its consequences) will not be deemed to be a force majeure event?

▶ Will a material adverse change clause apply?

For example, a lender is usually unable to rely on an MAC clause on the basis of circumstances it knows about when it enters into a lending agreement. *Continued over*

► Are the laws applicable to performance of the agreement likely to change?

Consider what laws are likely to change and what impact that might have on the agreement. For example, is there a danger that one party may have to bear additional costs in order to comply with post-Brexit legal changes?

Future contracts

In preparing and negotiating future contracts businesses should ensure the following issues are addressed, where relevant.

► Parties

Consider location of the parties to the contract. Is there any advantage in ensuring the parties are both in the UK or EU?

► Definition of EU and UK

Make sure that territorial references to the EU make it clear whether or not the EU includes

the UK and whether the UK includes Northern Ireland.

► Predictable events

Are there any specific events for which the parties feel confident about providing specified consequences? If so, include clauses which define the trigger event and the consequence.

► Supply of goods

Consider pricing formulae to vary prices in the event of changes to tariffs. Consider who is responsible for customs clearance and the potential impact delays in customs clearance might have on delivery times.

► Supply of services

Consider if the supplier will be permitted to continue to supply services after Brexit. Consider if loss of freedom of movement will have an impact on personnel who need to travel to provide services. Consider if

loss of recognition of professional qualifications for those personnel will be relevant.

► Exchange rates

Draft payment provisions which make it clear which party will bear the risk of exchange rate fluctuations.

► Data protection

Will personal data be transferred from the EU to the UK? If so, Standard Contractual Clauses or other mechanisms will be needed to ensure those transfers can continue lawfully post-Brexit.

► Termination

For greater flexibility consider including a termination for convenience clause, with a short notice period, or a specific Brexit termination clause.

► Disputes

English law and the English courts will be

Partner Jon Healey is the Head of the Corporate and Commercial team. Jon has advised on a wide range of corporate transactions, including acquisitions and disposals of companies and businesses, takeovers, joint ventures, shareholders' agreements, group reorganisations, share buybacks, share capital reductions and equity investments and divestments. He has considerable experience of drafting, reviewing and negotiating a wide range of commercial contracts.



Jon Healey

Jon acts for a broad range of clients, including national and international corporates, SMEs, individuals, shareholders, private equity funds, management teams, charities and the Premier League.

Jon's experience includes a significant period practising as a corporate and commercial lawyer in New Zealand and he has undertaken secondments to the in-house legal teams of several large multinational corporates.

largely unaffected by Brexit. However, enforcing an English judgment in a member state could be more difficult after Brexit and a conservative approach might involve taking local law advice on the ability to enforce a

judgment against the counterparty after Brexit or opting for arbitration.

If you have any additional queries on how your contracts might be affected by Brexit, Jon and Philip can be contacted on 01423 560630.

OUR EXPERTISE

McCormicks offers the full portfolio of legal services to all forms of organisation including businesses, charities and sporting bodies, together with private individuals. The firm offers expertise in all areas of corporate and commercial work whilst maintaining a commitment to the personal client in areas such as rural property, tax, trusts, probate, family matters and crime.



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- IT and Data Protection

- Insolvency and Bankruptcy
- Intellectual Property
- Partnership and Company Law
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- Corporate Crime, Fraud and Risk
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- Property and Construction
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