

# McCormicks Briefing

Summer 2022



**Stay hands-free**

**Living together**

**Awards return**



**McCormicks**  
SOLICITORS

Changes in mobile phone laws affect all drivers. Criminal Law Executive Kate Develly looks at the implications.

# Hands-free at all times

The Government has introduced new legislation making it illegal for drivers to use hand-held mobile phones whilst driving.

Previously, under Regulation 110 of Road Vehicles (Construction & Use) Regulations 1986, drivers were prohibited from using their phone to make calls (other than in an emergency to call 999), send messages or browse the internet whilst driving.

The new law, brought into force on 25 March this year, expands on Regulation 110 to ban drivers from scrolling

through their phone for any means, whether that it is for maps, music, or social media as well as calls and texts. The government stipulate any use deemed as 'interactive communication' will be an offence. Just illuminating the screen will be enough to infringe on the new rule.

The purpose of the new legislation is to reduce the number of casualties caused on the roads by drivers using mobile devices. The changes have been welcomed by campaigners and by families of those affected as a result of

lack of concentration from phones leading to collisions on the road.

Using a mobile phone to access sat-nav features or music for example, is still permitted but the device must be in a secure cradle and must not come into contact with the driver whilst driving. Simply, whilst the engine is on, and the driver is in control of the car it is unlawful to touch a mobile phone.

The exemption to the law remains as before; that in an emergency situation a call can be made when driving where it is unsafe for the driver to pull over.

There is now an added exception of contactless payments. As a recognised payment method goods or services can be purchased using contactless on the mobile phone, as long as they are immediately received and made whilst the vehicle is stationary.

With the ever-changing technology not just with phones but also with cars, this new legislation for the most part should be easy to adhere to. With the introduction of Apple Play features, voice commands and Bluetooth settings on both cars and mobile devices, they can be easily synced to allow for hands-free, safe driving. The fluidity of this country's legal system means it can adapt to the changes in society, but this also places the onus onto drivers to ensure they know the new law before driving.

For those who take the risk the punishment is clear. Those guilty of the



Kate Develly

Kate Develly is a Criminal Law Executive. She assists the Head of the Criminal Law team, Peter Minnikin and Associate Solicitor Brian Nuttney in all aspects of Criminal work and client care.

Kate graduated from the University of Lincoln with a joint honours degree in Criminology and English. She completed the Graduate Diploma of Law followed by the Legal Practice Course with Masters at the University of Law in Leeds.

offence will be handed a heavy six-point penalty and a £200 fine. It would only take two offences of this type within three years to result in a point-totting ban.

If you have any enquiries concerning this new law, or any other query, please contact the Criminal Department who would be happy to assist you.



McCormicks is once again sponsoring a session at the Theakston Old Peculier Crime Writing Festival which takes place from Thursday 21 – Sunday 24 July at the Old Swan Hotel, Harrogate.

## Too good to write off?

As well as the flagship Crime Novel of the Year Award presented by Mark Lawson, the Festival also features two author dinners and a host of sessions

presented by top writers. McCormicks is sponsoring "Too Good to Write Off?" which is chaired by SJ Parris and involves Bonnie MacBird, who has

resurrected Sherlock Holmes, Sophie Hannah who has written four new acclaimed Hercule Poirot mysteries, Elly Griffiths, who has created 12 new stories

for Jane Marple and Tom Harper, who worked with Wilbur Smith and has now taken on his mantle.

Among this year's special guests at the

Festival are Paula Hawkins, Tess Gerritsen, Michael Connelly, Val McDermid, John Connolly, Kathy Reichs, Lynda La Plante and Charlie Higson.

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It seems hardly possible that summer is already upon us after an unusually turbulent spring. There is still much to be concerned about with the war in Ukraine and the cost-of-living crisis that is affecting so many.

# Looking forward

I would, however, like to take this opportunity to celebrate some of the better news we have enjoyed in recent months.

The Queen's Platinum Jubilee was an opportunity for many people to get together and enjoy events for the first time in several years, both locally and nationally. The Queen is a supreme example of how to succeed in both good and troubled times and we

send her our warmest congratulations on the 70th anniversary of her ascension to the throne.

Closer to home, Leeds United certainly kept us all on a knife-edge before retaining its place in the Premier League, which is so important to the region, while Harrogate Town cemented its place in the EFL League 2 and has been busy signing up some new players for the forthcoming season.

I am delighted to say that, with the unstinting support of sponsors old and new, we have been able to launch the 2022 Yorkshire Young Achievers Awards, about which you can read more in these pages. I urge you to book your seat as soon as possible as we so look forward to seeing our supporters out in force once again.

We also look forward to supporting summer events in Yorkshire, including the Great

Yorkshire Show and the Theakston Old Peculier Crime Writing Festival, both this month.

I am sure we are not out of the woods yet, but I am equally sure that, with the sort of grit and determination shown by our Yorkshire Young Achievers, we can come back stronger than ever and I wish you all a peaceful and productive summer!



**Peter McCormick OBE**

Peter McCormick

**McCormicks has strong links with the agricultural sector and has again renewed its sponsorship for the bandstand which forms a focal point at the Great Yorkshire Show.**

## Show time!

This year's Show takes place from Tuesday 12-Friday 15 July at the showground in Harrogate, where it will welcome the Princess Royal along with thousands of visitors to see the best of British farming.

New attractions for 2022 include sheep dog trials in the Main Ring, appearances by farming celebrities, and two world Cattle Congresses. Previous Yorkshire Young Achievers winner, sporting soprano Lizzie Jones, will also appear in the Main Ring every day to entertain the crowds.



With strong growth in the numbers of couples cohabiting, Lucy Harbron, part of our Family department, tackles some of the common misconceptions about legal status.

# Cohabitation misconceptions

Couples who live together and are not married represent one in every five family types in the UK. The latest Census reported that cohabiting as a family type has grown by 22.9 per cent in the past decade. Therefore, it is more important that people are made aware of their rights which would be needed to protect themselves in the event of a breakdown of a relationship.

The 2019 British Attitudes Survey reported that 46 per cent of British adults mistakenly believe that cohabiting couples are protected by common law marriage should their relationship end.

There is a common misconception that unmarried couples acquire the same or similar rights to married couples in situations where the parties have lived together for either a long duration or after having children.

However, the reality for unmarried couples is that they have limited legal rights after separation. This article will focus on couples' rights and protections relating to the family home. The legal position for cohabitants is very different to divorcing couples resolving a financial settlement that can rely on section 25 of Matrimonial Causes Act 1973. Under this statute, the Court use the factors such as,

the income, earning capacity, financial needs, obligations, standard of living, age, disabilities, contributions, conduct and needs of children to determine what is fair.

The two main issues that arise on separation in relation to a family home are who owns the property and who will occupy the property going forward. There is a common misconception that cohabitants can rely on the above factors and basic contributions towards the property to establish ownership and occupation rights. However, the cohabitant is not legally protected as though they were married.

For cohabitants to establish ownership of a property, the ordinary property law principles will apply. This means that firstly legal

ownership is established on the title deeds of the property. If both parties are named on the title deeds, the family home will be conveyed to be held on an express trust for both parties. The cohabitants will then be entitled to an equal interest in the proceeds of sale. The cohabiting couple could also be named on the title deeds and hold the property as tenants in common, either in equal shares or in different proportions. This would mean that on the sale of the property the proceeds of sale would be split in a way to reflect the parties' intentions.

If the couple are not both registered as legal owners on the title deeds, the general principle is that the unnamed party does not have an automatic

Lucy Harbron is currently completing her Training Contract. She mainly assists the Head of Family, Stephen Hopwood, in acting for a broad range of clients, dealing primarily with finance and children. She also assists the criminal department with all aspects of their work.



Lucy Harbron

Lucy graduated from Newcastle University with a degree in History.

She then completed the Graduate Diploma Law and Legal Practice Course at the University of Law in Leeds.

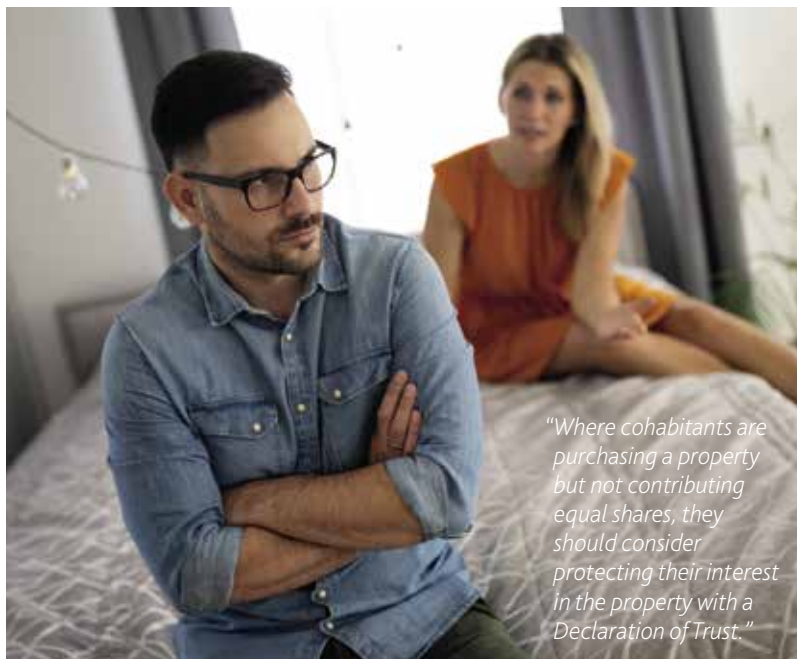
right of ownership to the property. It would need to be determined whether the cohabitee has any equitable or beneficial ownership of the property. The cohabitee may be able to establish a right over a proportion of the property under the Trusts of Land and Appointments Act 1996. The Court will need to consider the shared intention of the parties at the time of purchase.

Given the misconceptions, it is important that cohabitants consider ways to protect themselves. Couples

could consider a cohabitation agreement. This is a legally binding document where the parties can set out financial arrangements, how the property should be dealt with whilst living together, in the event of a relationship breakdown and on the death of a cohabitee.

On purchasing a property together, cohabitants should consider how they wish to legally own the property. Cohabitants should consider their intentions and whether they want to hold the property as either joint tenants or tenants in common. Ownership of the property as joint tenants would be suitable for couples that want to split ownership equally over the whole property. On the death of a cohabitee, their half of ownership will then pass automatically to the surviving cohabitee.

However, it may be appropriate to hold the legal title as tenants in common where ownership can be either equal or in different shares. In scenarios where cohabitants have made unequal contributions to the purchase price or a third party has provided



*"Where cohabitants are purchasing a property but not contributing equal shares, they should consider protecting their interest in the property with a Declaration of Trust."*

funds, this may be more appropriate. On the death of a cohabitant, their share does not pass automatically to the surviving owner, it instead passes to the beneficiaries in the deceased owner's will or via the intestacy rules.

Where cohabitants are purchasing a property but not contributing equal shares, they should consider protecting their interest in the property with a Declaration of Trust. This is a legal document that records the financial agreement of each party that has an interest in the property. The document sets out who owns the property and in what percentage. The document can also record what happens on separation and so this gives the parties some security in the event of dispute that they should receive what they originally contributed. It is very difficult for the Court to establish that the parties' intentions are anything other than an equal split when this document has not recorded the other intentions of the parties at the time.

At present, the prospect of any legislation protecting couples on the breakdown of a relationship is far from being enacted. The Cohabitation Rights Bill was first read on 6 February 2020 and set out a structure for rights of cohabitants on the separation or death of their partners. However, this parliamentary bill is a Private Members' Bill and there is the difficulty that, as introduced by a Backbench MP they are exposed to opposition. In the meantime, Resolution is actively campaigning for cohabitants' rights and raising awareness of cohabitants' limited legal rights with events such as Cohabitation Awareness Week.

Senior Partner Peter McCormick OBE has been recognised for his Sports Law expertise in the 2023 edition of Best Lawyers in the UK.

## New award for Peter

He has been recognised by the guide since 2009.

Best Lawyers®, which has more than 40 years' experience compiling purely peer review data, has released the 11th edition of The Best Lawyers in the United Kingdom™ which recognises the professional excellence of 6,017 lawyers in 84 practice areas across 35 metropolitan areas. The "Lawyer of the Year" honour is awarded to only one individual per practice area in each region with extremely high overall feedback from their peers. In the 2023 edition, only 243 honorees earned this exceptional distinction.



Peter McCormick



Congratulations to our friends and clients Rudding Park who were voted "Best Destination Spa" in the Good Spa Awards.

## Destination Spa

The awards are run by the Good Spa Guide and are broken down into categories, including Best Spa Day, Best Health Club and Best Boutique Spa.

The winners were announced at the Spa Life Conference in June.

We have welcomed two additions to our Crime and Fraud department with the appointments of Mark Fowler and Ismael Uddin.

## Adding to Crime Team

### Mark Fowler

specialises in Serious Fraud, particularly Tax frauds and the Proceeds of Crime work connected to such cases. He has been dealing with serious VAT fraud cases since the early 1990's and brings with him an unrivalled level of knowledge and expertise on the subject. He has represented clients in many of the largest investigations and subsequent trials prosecuted by HMC&E and HMRC.

He is currently working with other members of the McCormicks team on Operation Barbados, a complex offsetting fraud which has taken over eight years to reach the Courts and will take a number of years to reach a conclusion.

**Ismael Uddin** is a qualified Barrister and Police Station Representative with more than 24 years' experience in Criminal and Regulatory Law.

He has been involved in prosecuting and defending cases for the

Government, public and private sector organisations but now exclusively defends in all cases.

His experience means he is familiar with Government procedures from the Crown Prosecution Service and cases involving the various Government bodies. He has experience of cases ranging from serious assaults to complex frauds and has often dealt with domestic abuse and vulnerable victims.



Mark Fowler



Ismael Uddin

The 2022 Yorkshire Young Achievers Awards are now live and we need your nominations for winners.

# Awards launched

The 28th annual Awards, sponsored by McCormicks Solicitors, mark the achievements of outstanding young people aged under 35 and were launched with a reception at the West Park Hotel in Harrogate.

Chairman Peter McCormick OBE said: "Everyone has faced challenges during the Covid pandemic and this is an excellent opportunity to mark the achievements of those who have overcome them or have gone above and beyond to help others in some way. I would like to thank Chris Blundell and the West Park Hotel for

hosting a launch and our sponsors old and new who are enabling us to resume the Awards this year."

The launch saw the appointment of two new ambassadors to the Yorkshire Young Achievers Foundation in previous winners and grant recipients Katie Gill and Jessica Mayho.

Katie Gill runs six nurseries across Leeds, the first of which was the Sunshine Community Nursery in Harehills. The nursery caters for children aged from babies to five, working closely with families in the community.

Jessica Mayho is a hammer thrower from Cononley near Skipton, now living in Leeds, and kept up her training throughout the lockdowns to achieve her personal best throw of 69.44m last summer. She took the British title in both 2019 and 2020 and was fourth in the European Throwing Cup in March.

The Awards have raised more than £1.3m and anyone nominate a potential winner. Simply visit the Awards website at [www.yorkshireyoungachievers.co.uk](http://www.yorkshireyoungachievers.co.uk). The closing date for entries is Friday 2 September.

## Richard Stroud, MBE

Huge congratulations to the Vice-Chairman of the Yorkshire Young Achievers Foundation, Richard Stroud, who has been awarded the MBE in the Jubilee Honours for services to the Interfaith Community in West Yorkshire.

As well as his interfaith work, Richard has

been the tireless Vice-Chairman of the Foundation since it was formed in 2010, selling tables, sourcing equipment for grants to young people who require it and supporting all of the events. He was awarded the Order of the League of Mercy in 2018 for his work.



Richard Stroud, MBE

The nomination categories are as follows:

- Personality of the Year** (sponsored by Rudding Park)
- Youngster of the Year** (Nabarro McAllister)
- Unsung Hero** (Jamboree Entertainment Ltd)
- Achievement in the Arts** (Barclays)

- Achievement in Education** (Harrogate Town FC)
- Achievement in Management and Enterprise** (CHR Group)
- Achievement in Sport** (Leeds United Football Club)
- Special Award** (Peter Gilman and GMI)



New ambassadors: From left, Patron Christine Talbot, Katie Gill, Jessica Mayho and Chairman Peter McCormick OBE



Martin Gerrard, Irving Weaver, Adam Moore and Mike Partridge



Neil Smillie and Kathryn McCormick



Angela Mountain, Katie Gill and Lucy Mountain



Jo Towler and Peter McCormick



Sonia Jones, Stephen Hopwood and Jess Mayho



Chris Blundell and Lady Emma Ingilby



Carrie Cook, Peter McCormick and Christine Talbot



Linda and Eddie Gray



Stephen Hopwood, Rachel and Del Margerrison and Danny Anderson



Simon Mackaness, Sarah Barry and Neil Smillie



Peter McCormick, Lady Emma Ingilby and Allister Nixon



Simon Nabarro, Christine Talbot and Richard Stroud



Richard Stroud and Stephen Hopwood



Chris and Jill Blundell, Eddie Gray and Peter McCormick



Richard Stroud, Christine Hamilton Stewart, John and Margaret Eaton



Linda Gray and Simon Nabarro



Allister Nixon and Peter McCormick



Heather Millard, Chris Lockett and Christine Hamilton Stewart

Congratulations to previous winner Cameron Osburn who was selected to play for England in the Cerebral Palsy World Cup in Spain this year.

# World Cup

Cameron took the Unsung Hero Award in 2018 for his work in establishing Adversity United, a Harrogate football team for disabled children.

He lined up again the best players in the world in the CP World Cup which was held in Salou, helping the Team finish in sixth place.



We are delighted to announce the return of the Yorkshire Young Achievers Awards after a two-year absence because of the Covid pandemic.

# Awards dinner

The Awards dinner will be held on Thursday 17 November at the Centenary Pavilion at Leeds United's Elland Road ground and is the main fundraiser for the Yorkshire Young Achievers Foundation which makes grants to young people and organisations supporting them across the region.

To book a place at £65 or a table of ten at £600, simply visit Gala Dinner - [www.yorkshireyoungachievers.co.uk/gala-dinner](http://www.yorkshireyoungachievers.co.uk/gala-dinner).





# On the run

Managing Partner Stephen Hopwood and Senior Associate Will Bates were among 300 runners who took part in the first Rudding Park 10k race in May.

McCormicks were among the sponsors of the event which took place in the park's 300 acres of landscaped gardens and woodland and raised £4,015 for the Queen's Green Canopy – an initiative to encourage people to 'plant a tree for the Jubilee'.



Stephen Hopwood, his wife, Jane, and Will Bates took part in the race



Lucy Harbron

## Congratulations

Congratulations to Trainee Solicitor Lucy Harbron who has achieved a Distinction in the Graduate Diploma in Law and Distinction in Postgraduate Diploma in Professional Legal

Practice (LPC course). Lucy works with the Head of Family, Stephen Hopwood, in acting for a broad range of clients, dealing primarily with finance and children.

## 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.

### Charities & Community

- Charities
- Not For Profit

### Corporate & Commercial

- Acquisitions and Disposals
- Banking and Finance
- Commercial Agreements
- Competition and EU Law
- Corporate Crime, Fraud and Risk
- IT and Data Protection

- Insolvency and Bankruptcy
- Intellectual Property
- Partnership and Company Law
- Regulatory and Disciplinary
- **Crime**
  - General Crime
  - Corporate Crime, Fraud and Risk
  - Dispute Resolution and Litigation
  - Commercial Disputes
  - Mediation and Arbitration
  - Partner/Shareholder Disputes
  - Property and Construction
  - Reputation Management

### Employment

### Family & Matrimonial

- Children
- Matrimonial

### Insolvency & Bankruptcy

### Mediation & Arbitration

### Property

- Agriculture and Estates
- Commercial Property
- Development and Regeneration
- Residential Property

### Sport, Media & Entertainment

- Employment
- IT and Data Protection

### Insolvency and Bankruptcy

### Intellectual Property

### Media and Entertainment

### Mediation and Arbitration

### Regulatory and Disciplinary

### Reputation Management

### Sponsorship

### Sport

### Tax, Trusts, Wills & Estates

- Agriculture & Estates
- Care of the Elderly
- Tax and Trusts Disputes
- Trust and Tax Planning
- Wills and Probate

### MCCORMICKS SOLICITORS

Wharfedale House, 35-37 East Parade, Harrogate, North Yorkshire, HG1 5LQ. T: 01423 530630 F: 01423 530709 enquiries@mccormicks-solicitors.com www.mccormicks-solicitors.com

**PARTNERS:** Peter McCormick OBE • Stephen Hopwood • Peter Minnikin Philip Edmondson • Elaine Lightfoot • Heather Roberts • James Towler

