

McCormicks Briefing

Summer 2023



McCormicks
SOLICITORS

**Criminal activity
House in order?
Awards launched**

Deciding how a property should be divided by a couple in the event of a death or a separation can be an issue unless the plans are laid down at the time of purchase. Katy Maskell-Edwards, a Senior Associate in our Residential Property Department, takes a look at the options and what needs to be considered.

When purchasing a property as a married couple or co-habitees there will come a point in the Conveyancing process when your Solicitor will ask how you wish to hold the beneficial interest – the underlying equity – in the property.

When more than one person is involved in the purchase or subsequent ownership of the property, there are different options for how the property is held on Trust.

Making a decision about holding the beneficial interests in the correct way and making both parties' intentions clear from the outset can help to avoid potentially costly legal disputes in the event of death or separation.

There are three options: Joint Tenants; Tenants in Common with equal shares; or Tenants in Common with unequal shares, in which case the property owners can expressly state their respective amounts or percentages.

The decision usually needs to be made once the Transfer Deed is approved. At this stage it is vital to understand the difference between Joint Tenancy and Tenancy in Common.

When a property is held as Joint Tenancy, this holds the beneficial interest as a whole. On death both the legal and beneficial interest will pass to the survivor under the rules of survivorship. Tenants in Common, on the other hand, hold separate

Getting it right at the start



and distinct interests and can deal with their assets under the terms of a Will or Intestacy Laws in the absence of a Will.

A Joint Tenancy can be severed at a later date in various ways, one of which is by serving notice on the other. However, a recent case heard in the High Courts of Justice, *Dunbabin v*

Dunbabin 2022, showed that other conduct can also amount to a severance as well as highlighting the need to hold beneficial interest in the correct way and of making both parties' intentions clear from the outset.

The issue to be decided was whether the joint deceased held the beneficial interest as

Katy Maskell-Edwards is a Senior Associate in our Residential Property Department and has a wealth of experience in property, working primarily in private practice on behalf of individuals and companies.

She is a dedicated professional.

Having successfully completed her Solicitor exams at the College of Law in London many

years ago, she has recently completed her Masters and now has the title MSc after her name.



Katy Maskell-Edwards

Tenancy in Equity had been severed or not as there was no clear indication. The Judge had to rule whether the beneficiaries should inherit under the wife's Will or rules of survivorship following the death of the surviving husband.

The crux was that the wife had left equal amounts to all the children whereas the husband left more to one child than the other. The Judge found that the execution of mirror wills had been sufficient to sever the Joint Tenancy.

This case demonstrates how important holding the beneficial interest in a property is. The case is important for both estate practitioners because of the judgment on mirror Wills and residential conveyancing solicitors because of the consequences in not explaining the difference in Joint Tenants and Tenants in Common to clients.

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It is a sad but inevitable fact of life that not all of our dreams can come true and I am sure many of you will have shared the pain of seeing the mighty Leeds United back in the Championship.

Hopes and Dreams

But those of you who know me, and the whole practice, will know that pessimism and doom and gloom are not part of our make-up, so we are moving on to look at brighter prospects.

First of all, we welcome new owners to Leeds in the shape of 49ers Enterprises after the English Football League formally approved the takeover. The consortium has been associated with Leeds since 2018 when they initially purchased a 15 per cent stake in

the club, increasing that stake to 44 per cent in 2021. The investment arm of the San Francisco 49ers now has full control after the purchase of Andrea Radrizzani's share in the club.

This is bound to be a period of change and development and we have a new manager in Daniel Farke, but we look forward to a rapid return to winning ways in the new season which, as I write, is only a week away!

We also keep a close eye



Peter McCormick

on the fortunes of our League Two favourites, Harrogate Town, and you can read about the recent success of the club's Chief Executive, Sarah Barry, in these pages.

On the world stage it would be marvellous if we can see the Lionesses repeat their Euros success in Australia.

Away from football, we have been welcoming some new faces to our team in recent months and you will be learning more about them in forthcoming issues but for now the spotlight is on Claire Baker-Kemp who is bringing new impetus to our Commercial Property department.

We have also marked the launch of the 2023

Yorkshire Young Achievers Awards, our 29th Awards. You can find out full details, how to nominate a winner or book a table in this newsletter but needless to say, I hope that by the time the Gala Dinner comes around in November, we will be celebrating at the Leeds United Centenary Pavilion on more than one front!

I wish you a sunny and successful summer and I am sure we will all be bursting with enthusiasm by the time of the next issue.

Peter McCormick OBE

Off to a good start

As one of the founders and now Vice Chair of the Harrogate and North Yorkshire Junior Lawyer Division, Family lawyer Lucy Harbron has seen the organisation off to a promising beginning, with its first summer event.

She said: "We

responded to a poll on what our members would find most useful and that was support with branching out in a room full of new faces. We held networking training at West Park Hotel where the principles of speed dating were put in place to encourage junior lawyers to move

around the room and get to know each other in a friendly, informal environment.

"The event was also the launch of the JLD Charity of the Year – Out Together. The charity representatives, Matt and Tim, provided us with an insight into the newly-formed charity and how

they are working to unite LGBT+ generations to overcome cultural and social barriers in Yorkshire. It is a great opportunity to support a newly formed local charity, raise awareness and build new connections. I am looking forward to getting involved with fundraising and social activities."



Lucy Harbron

Additional charity service

Our Private Client team has been approved to offer additional legal advice under the Free Wills scheme for Cancer Research UK.

Head of Private Client Partner Elaine Lightfoot and Private Client Executive Victoria Sly

have been approved as part of the Cancer Research Legal Guidance Service.

This means they can now offer additional advice on matters such as more complex Wills and Lasting Powers of Attorney to people who

make Wills under the scheme, up to a ceiling of £500.

McCormicks has worked with Cancer Research UK for ten years, arranging more than 160 Wills with the pledged legacies totalling more than £1.1m.



CANCER RESEARCH UK

There are some things that just go together - like bacon and eggs, Ant and Dec or Yorkshire and the Tour de France.

When worlds collide

Law is no exception. Some things are simply a natural fit. For example, renewing your Will, and renewing or preparing Lasting Powers of Attorney.

Or buying a business, and reviewing any commercial contracts, employment contracts or commercial leases associated with the purchase.

It makes complete sense, putting your mind at rest and potentially saving time and expense in the long run.

But what about other areas of law that are perhaps less associated in people's minds?

Take acrimonious, protracted divorce or separation, for example.

Of course, instructing an experienced family lawyer goes without saying, but what about instructing one at a practice that also has a leading criminal law team?

We have seen a rise in cases of parties going through a difficult separation where one of them makes allegations to the police of inappropriate behaviour from their ex said to have happened during the relationship.

Such cases are thankfully still uncommon. But

thinking, 'I've done nothing wrong so that will never happen to me' will not give you the protection you need should the worst occur.

When an allegation is made to the police, the police only require reasonable suspicion to launch an investigation. In cases that are domestic in nature, a simple report is enough to meet that threshold. With domestic cases, that almost inevitably leads to an arrest and an interview under caution at the police station.

But why is it so important to have a team that can deal

Partner Peter Minnikin is Head of our Crime, Corporate Crime and Risk Department.

Peter is a Solicitor and Higher Court Advocate specialising in all aspects of Crime, Corporate Crime, Fraud and Regulatory work.

He appears regularly in the Magistrates Court and police stations to represent clients in respect of a full range of criminal and motoring offences.

He is frequently instructed to represent clients as a Higher Court Advocate at proceedings before the Crown Court, often being instructed to represent defendants charged with sexual offences, fraud and violent offences.

Peter has expertise in dealing with substantial and high profile cases, working closely with KCs and other Counsel. He has represented clients charged with serious fraud offences, including prosecutions by HMRC. He is often instructed to represent clients charged in relation to conspiracy to supply drugs cases. These cases involve

careful consideration of thousands of pages of evidence, including detailed examination of phone and financial records.

Peter has successfully represented clients charged with serious and violent offences including murder and manslaughter as well as serious sexual offences, including historic sexual offences, where he has achieved successful results for clients by his detailed analysis of each case, including scrutinising prosecution material that is not relied upon, to successfully find evidence that supports his client's case.

Peter handled one of the leading Computer Misuse Act cases, which set the precedent for "ethical hacking" in this country.



Peter Minnikin



There are some things that just go together!

with both your family and your criminal case? After all, they are very different matters. To answer that, let us consider what can happen if you are arrested and interviewed.

Your solicitor at the police station (if you have one) is well meaning and advises you before getting you bail. After all, all you want to do is get out of there.

But what if those bail conditions impact upon your family proceedings? Perhaps

they prohibit you from having any contact whatsoever with your estranged partner, even by a third party.

Such bail conditions are common and block contact via solicitors which, at best, can slow down the divorce process and, at worst, stall it completely.

Perhaps an allegation has been made involving your children and you are placed on bail conditions not to have any contact with them, despite outside agencies and the family court being content for

you to see them.

Unpicking these sorts of decisions can take a considerable amount of time and expense simply get you back into a position that you could have been in with sound representations made at the police station.

Taking the example one step further, if you are charged and the matter goes to court, even if you are acquitted, the Crown Prosecution Service can apply to the court for a restraining order.

The terms of restraining orders can have an impact on family proceedings and contact with both your estranged partner and your children.

Furthermore, such an order is a criminal order and cannot be superseded by a favourable decision in the family court.

To have a restraining order removed or varied requires further applications to court and once again further time and expense.

Instructing a firm that can provide you with advice across numerous different areas of law can save that extra time and expense.

McCormicks Criminal Team works closely with our Family Team in relation to unpicking issues such as those above, and also, perhaps more importantly, ensuring that they never become issues in the first place.

With recommendations in 16 areas of law and 38 individual recommendations for our lawyers in the latest issue of the UK Legal 500, it is not just family and criminal law where worlds collide. There are many different areas, therefore, it pays to instruct a leading firm with a breadth of knowledge.

We are delighted to welcome a new Commercial Property specialist to the team

Claire Baker-Kemp joins as Senior Associate and brings extensive experience in commercial property transactions.

Claire has worked in both private practice and, more recently, in-house and has joined McCormicks from an investment company where she managed the legal aspects of the extensive property portfolio, including the provision of related strategic and commercial advice to the board, and dealt with freehold and leasehold property acquisitions and

Property specialist

disposals and landlord and tenant matters.

Since qualifying as a solicitor, Claire has acted for the NHS, a major supermarket chain, the Department of Transport, an international shopping centre developer, financial institutions, local authorities, property developers, companies, landowners, partnerships, sole traders and individuals.

Senior Partner Peter McCormick OBE said:

“Commercial property has been a busy aspect of our legal work for many years and Claire’s background and experience will undoubtedly prove an asset.”

Claire’s experience covers the acquisition and disposal of freehold and commercial leasehold properties; transactional landlord and tenant work including lease renewals and assignments; acquisition of land

for residential and commercial development; portfolio acquisitions and subsequent break-up and disposals; and management of client property portfolios.



Senior Associate Claire Baker-Kemp

Congratulations to our friend and client Sarah Barry who has won a major award from SkyBet.

PROUDTOBETOWN

Sarah, who is Chief Executive of Harrogate Town, was named as League Two CEO of the Year at the 2023 Football Business Awards.

She said: “It’s a credit to everyone at Harrogate Town AFC who work incredibly hard to make our fantastic club what it is.

“I’m really happy to accept this award on behalf of the whole team and also our fantastic supporters who are recognised for being amongst the best by other clubs. To put



Sarah Barry

Harrogate Town on the map when we are one of the smallest clubs in the league proves you don’t have to be the biggest to be the best!

“It’s an absolute honour to be voted

by fellow clubs, many of whom have visited us for a second time and appreciate the progression we are making. Well done team and everyone who supports us. #ProudToBeTown!”

Voted for by fellow SkyBet League Two Clubs, comments included:

“Despite the obvious size constraints and the competition of well-established clubs in Yorkshire, Sarah has successfully led the club through its first phase as an EFL League Two

Club. Off the field, she has professionalised the business operations, both matchday and non-matchday, creating a commercial and operational team which is one of the best in League Two. She has also laid the platform for a very successful community programme.”

“Sarah and her team have made Harrogate one of the most welcoming stadiums to visit for both club officials and supporters, despite the restrictions of their stadium.”

Going swimmingly

Family lawyer Lucy Harbron took part in the Great North Swim this summer, the largest open water swimming event in the UK.

She swam two miles and raised £910.00 for the Alzheimer’s Society.

Lucy said: “This was my first open water event. I thoroughly enjoyed the atmosphere of the event and have already signed up for next year!”



Open water swimmer Lucy Harbron

The hunt for young achievers is underway with the launch of the 2023 Yorkshire Young Achievers Awards.

2023 Awards launched

The launch was marked when winners from previous years and sponsors gathered at the West Park Hotel in Harrogate.

The Awards, sponsored by McCormicks Solicitors and celebrating their 30th anniversary, mark the achievements of outstanding young people aged under 35 from across Yorkshire and nominations are now open.

On hand to share their experiences of winning were last year's Youngster of the Year Archie Flintoft, last year's Achievement in the Arts winner Austin Haynes and 1998 Youngster of the Year India Farmer (now India Bliss Hamilton).

Potential winners can be nominated at www.yorkshireyoungachievers.co.uk and nominations close on Friday 1 September.

Chairman Peter McCormick OBE said: "We had some absolutely amazing winners last year, from Paralympian Hannah Cockcroft to England Lionesses Golden Boot holder Beth Mead but the Awards also recognise young people who are not so high profile and we were amazed and inspired by their stories too."

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**
(Mary and Jeremy Carter)
- ▶ **Achievement in Education**
(Harrogate Town FC)
- ▶ **Achievement in Management and Enterprise**
(CHR Group)
- ▶ **Achievement in Sport**
(Leeds United Football Club)
- ▶ **Special Award**
(GMI Holdings Ltd)



Last year's Youngster of the Year Archie Flintoft, front, India Bliss Hamilton, Chairman Peter McCormick and Austin Haynes launch the 2023 search for nominations.



Irving and Dorothy Weaver, Chris Blundell and Peter McCormick



Richard Stroud, John Holden and Christine Hamilton Stewart



Kim Wilson, Jill Blundell, Stephen Hopwood and Allister Nixon



Peter McCormick and Alison Robinson



Duncan Wood and Allister Nixon



Simon Mackaness and Leeds United legend Eddie Gray



Mark Shay, Peter McCormick, Martin Gerrard and Kim Wilson



Stephen Hopwood, India Bliss Hamilton, Dean, Vicky, Holly and Archie Flintoft



Peter McCormick, Mary and Jeremy Carter



Richard Stroud, Tom Smith, Danny Anderson and Rebecca Wilson

Our heartfelt thanks to our long-term Yorkshire Young Achievers Foundation supporter Mike Riley who took to the hills in June to raise money for the charity.

Mike's miles

Mike did the 190-mile Coast to Coast walk in June with only a tent and a good book for company to raise funds for both the Foundation and the Jane Tomlinson Appeal, raising a grand total for the Foundation of more than £ 1,687.33!

Thank you Mike



Mike in training before the event

Save the date

The 29th Yorkshire Young Achievers Awards dinner will be held on Thursday 16 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. The Awards have raised more than £1.3m to date.

To book your table, please visit www.yorkshireyoungachievers.co.uk.



McCormicks residential property team has won accreditation to the Law Society's Conveyancing Quality Scheme

Quality conveyancing

The Law Society's Conveyancing Quality Scheme (CQS) is a recognised quality standard for SRA regulated firms undertaking in residential conveyancing. The scheme sets out the standards of competence, risk management and

client service levels expected of practices. CQS is underpinned by the Core Practice Management Standards, the Conveyancing Protocol and the Client service Charter. The scheme is designed to produce benefits not only for member practices

but also for consumers, clients and industry stakeholders.

Managing Partner Stephen Hopwood said: "We strive for the best possible quality in everything we do so receiving this accreditation is a great boost for the team."

Best Lawyer

Senior Partner Peter McCormick has been recognised for his high calibre work in Corporate Finance Law and Sports Law in the 2024 edition of The Best Lawyers in the United Kingdom.

The Guide, published in June, is based on a rigorous peer-review survey and, as such, recognition by Best Lawyers symbolises excellence in practice.

McCormicks was delighted to be amongst the participants when the Theakstons Old Peculier Crime Writing Festival celebrated its 20th anniversary in July.

Twenty years of crime

The practice has been a long-time sponsor and now is a Major Supporter of the Festival, organised by Harrogate International Festivals and based in Harrogate.

Thousands of people attended the event to see the Crime Novel of the Year award presented to MW Craven for *The Botanist*, while Ann Cleeves, author of the Vera, Perez and Venn series, received the Outstanding Contribution Award.

As well as attending a number of events, including Crime Novel of the Year and an Author

Dinner, McCormicks also sponsored one of the sessions, which saw one of the greatest authors the genre has ever known and an original founder of the Festival, Val McDermid, interviewed by Mark Billingham on her two decades and 38 novels to date.



Ann Cleeves receives the Outstanding Contribution Award from Simon Theakston



Mark Lawson takes his usual place as host of the Crime Novel of the Year award



Mark Billingham interviews Val McDermid



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 David Birks • Elaine Lightfoot • James Towler

