

# in sight

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Subletting your surplus office space | Achieving a successful corporate merger | IR35 rules | Contesting a Will

*Brexit | Business Immigration | Corporate and commercial | Criminal law  
Dispute resolution | Employment | Environment | Family | GDPR  
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# Issue 38



**W**elcome to Insight. You may notice a slight difference in this edition in that where we usually include a welcome note from B P Collins' senior partner, Simon Deans, we have a piece from Henry Allmand, Chief Executive of Heart of Bucks instead. As the pandemic has been particularly challenging for charities and community foundations, we thought you'd like to hear about their amazing work across the county. Over to Henry...

"The last year will go down in history for most of us, for many different reasons. At Heart of Bucks it has been our biggest (and busiest) grant-making year ever, distributing a record-breaking £1.5m in funding across Buckinghamshire to nearly 700 charities, community groups and individuals.

This funding has been critical, with the not-for-profit sector seeing a dramatic reduction in income and many being at the forefront of the Covid-19 response and recovery efforts. We are fortunate that support for our work comes from a range of different sources; our partnerships with individuals, businesses and public sector organisations allows us to deliver funding to hundreds of organisations that are helping to improve the lives of people in Buckinghamshire. Our focus is on local needs and through research and outreach work we can ensure that funding reaches those who need it most.

In November 2020 we set up our Community Investor fund; simplifying charitable giving for businesses by enabling them to join together to fund local projects. It is thanks to generous donations from nine founding businesses, including B P Collins, that we have been able to award the first grant from this fund within a few months of its launch.

Lucy Wood, partner at B P Collins and trustee for Heart of Bucks said:

'B P Collins has supported Heart of Bucks for six years. In that time, we have donated over £62,000 to 20 local charities that have needed support in order to make a positive social impact, improve lives and create a more sustainable environment for the communities that we have worked for over the past 54 years.

'Becoming a founding member of the Heart of Bucks Community Investor fund has taken our commitment to helping the county to another level. We look forward to making a difference.'

An array of different projects and organisations have received funding since we awarded our first grant in 2000. From cancer support groups, befriending services and counselling sessions, to support for children with additional needs, rough sleepers or ex-offenders. We also manage a number of emergency funds that award grants to local people in need. For instance, our Family Angels fund is a lifeline for families who are in a crisis. Even a small amount of money from this fund can help to change someone's life.

We are proud to be part of a network of 46 community foundations across the UK, all committed to improving local communities."

50 of the UK's biggest employers said they were not bringing staff back to the office full-time. So what does this mean for tenants who have surplus office space? Turn to [page 4](#) to find out more.

The implementation of the Divorce, Dissolution and Separation Act, which will see the biggest shake up of divorce laws in 50 years, has been pushed back to April 2022. See what this means for the divorce process on [page 6](#).

The Ministry of Justice found that High Court Inheritance disputes reached an all-time high last year. Please see [page 7](#), for answers to your key questions on contentious probate.

M&A activity in the UK has increased according to the ONS. Turn to [page 10](#) for advice if you're thinking about a corporate merger.

Oscar Wilde once said:  
"Some cause happiness wherever they go;  
others whenever they go."  
B P Collins' client, Jonathan Duck, Amtico's CEO often refers to a wall of quotes in his office for inspiration. Find out how he made it on [page 12](#).

Confused by IR35 rules?  
B P Collins' employment team clears up any uncertainty on [page 14](#).

Take our quiz on [page 16](#) to see if you could be in breach of the law and how well you know the criminal justice system.

# Employees not returning to the office full time?

...perhaps you could sublet your surplus space.

The pandemic has changed the way we work, possibly forever. Firms in the Square Mile announced their operations would change to enable hybrid and flexible working, whilst 50 of the UK's biggest employers said they were not bringing staff back to the office full-time.

The dwindling requirement for office space has led many commercial tenants to acknowledge that they may have excess space, which now needs to be disposed of. However, the disposal of surplus office space is not that simple, especially if the lease does not provide for an early termination.

**Maria Mowberry, commercial property partner, looks at the choices available for commercial tenants.**

One option is to negotiate a surrender of the surplus space or an early termination of the lease with your landlord if you no longer require the space. However, it might be the case that your landlord is unwilling to take it back, because it may be difficult to rent out the space again, or will consider doing so, but only for a fee or change to your existing lease terms.

Another option is to sublet the space, which would enable you to recover some of the financial losses on the space that you will not be using. However, not all leases permit sublettings of part.

Always start by reviewing your existing lease, which B P Collins' property team can help with. Existing subletting obligations and restrictions need to be considered in light of your plans, to help you to understand your options. Although each commercial lease will be different, typically if the lease permits sublettings of part, a tenant is likely to be required to notify the landlord in advance of their intention to sublet and seek their consent.

Also check your lease for any conditions around subletting the space. These could include restrictions on the type of subtenant, the permitted use of the space, the number of users allowed to occupy the premises, or whether the sublease has to include particular terms.

It's also beneficial to choose an agent with specific experience in subletting and is knowledgeable about the current and local market.

For further information and advice, please contact Maria Mowberry at [maria.mowberry@bpcollins.co.uk](mailto:maria.mowberry@bpcollins.co.uk) or call 01753 279092.

## Has lockdown had an adverse effect on post separation child arrangements?

Lockdown has contributed to a spike in break ups and divorces around the country. Not only were most couples not used to spending so much time together, but everyone was also prevented from pursuing activities outside of their relationship including work, hobbies and socialising – a perfect storm.

A positive effect of lockdown, however, was that many more couples were able to be more equally involved in their children's day to day lives. However, this shift to more balanced parenting is now having an impact upon child arrangements, with both parents wanting their children to spend equal time with each of them, without necessarily putting first what is best for their children.

You must put your children's needs first, and our advice would always be to try, where possible, and in the most age-appropriate way, to find out their views and feelings. A hostile marital breakdown is likely to have a hugely negative effect on the welfare and mental health of children, particularly adolescents, which can continue to impact upon them into adulthood. Children need to know they are loved beyond their parents' separation, and not be a focal point of the disagreement, and if they are, that needs to be kept away from them.

A good divorce is one where both spouses are able to talk frankly and openly with each other, respect each other's views and seek to reach a fair and pragmatic outcome.



### Look out for...

...the implementation of the Divorce, Dissolution and Separation Act which will see the biggest shake up of divorce laws in 50 years. It was meant to come into force this Autumn but has now been pushed back to April 2022 to allow time for the essential IT changes to be made to HM Courts and Tribunal Service's online divorce systems.

The Act means:

- The sole ground for divorce – that a marriage has broken down irretrievably – will remain. However, it removes the requirement to evidence this, on the basis of the current five factors – the most controversial being the other party's behaviour, which so often is regarded as meaning their 'fault'. In reality, the breakdown of a marriage is rarely attributable to one person.
- There will be no possibility to challenge the irretrievable breakdown and so costly contested proceedings should be avoided.
- The process should be faster, in that the final order, previously, the "decree absolute," could be obtained within 20 weeks.

Although the Act aims to reduce animosity between couples, it is important to be aware that these changes affect the divorce process and cannot take away the pain of separation.

In the family team's experience, acrimony stems from how spouses treat each other and react to the breakdown of their relationship. Although the changes are welcomed, respect and communication between spouses, being honest, not rushing into anything and choosing your lawyer carefully, are essential to achieving an amicable divorce. Counselling could also be considered before embarking on the formal process, as this may be helpful too.

If you wish to discuss a family matter with B P Collins, please contact Sue Andrews on at [sue.andrews@bpcollins.co.uk](mailto:sue.andrews@bpcollins.co.uk) or 01753 279046.

## Contesting a Will?

### B P Collins answers your key questions...



If you suspect the Will of a loved one who has died does not reflect their true wishes or fails to make adequate provision for those closest to them, you might consider challenging the Will. An already anxious time of grieving could be made worse if you are worried about what to do next.

Contesting a Will should never be done on a whim and it is vital to consider whether a successful claim would produce a better outcome than the provisions in the existing Will. Craig Williams, partner and contentious probate specialist at B P Collins, outlines the process below.

### How do you contest a Will and how long will it take?

You first need to establish the grounds for a claim. Perhaps the person who died did not have the mental capacity to make a Will or did not fully comprehend its contents; maybe they were influenced by someone else, or perhaps you believe the Will was forged; or it doesn't reflect the wishes of the person who died due to a clerical mistake, or a misunderstanding. Maybe you feel there has not been adequate provision made for you in the Will.

You should always discuss your options with a solicitor who should explain the evidence that is required, the process, and the likely obstacles.

After taking advice, if you have a potential claim, the next step is to consider entering a caveat to prevent the Probate Registry issuing a grant of probate (if there is a Will) or letters of administration (if there is no Will). It costs £3 to enter a caveat, which lasts for six months and can be extended by application.

Ordinarily, you would then explain your case in a formal letter sent to the people who will benefit under the Will.

Contesting a Will is a complex process, which can take months or even years, particularly if it involves going to court. It's always worth considering mediation in to help avoid court proceedings, which can be expensive and stressful.

### How long do I have to contest a Will?

If you are a beneficiary making a claim against an estate, you normally have up to 12 years after the person who made the Will has died. In cases of probate fraud, there is usually no time limit.

There are strict and shorter time limits for certain claims. For example, a claim for a reasonable financial provision under the Inheritance (Provision for Family and Dependents) Act, must be issued within six months from when probate was granted.

### Can I contest a Will if I'm not in it?

Yes. If you suspect a Will is not valid, you can make a challenge in the hope that an earlier Will or the Intestacy Rules will apply.

If you were part of the family or you were financially maintained by the person who died, then you might be able to make a claim against the estate for a reasonable provision to be made, regardless of whether you are named in the Will.

### Can I contest a Will if probate has been granted?

You can dispute the validity of a Will after a grant of probate has been issued, but it is usually better to make the challenge sooner, for strategic reasons.

Claims for increased financial provision under the Inheritance Act can also be issued after probate is granted.

Disputing a Will requires the expertise of a contentious probate solicitor. Before taking the next step, contact Craig Williams at [craig.williams@bpcollins.co.uk](mailto:craig.williams@bpcollins.co.uk) or call 01753 889995 to discuss your options.

# Helping a loved one through grief

**M**any people will know of a friend or family member who has experienced the loss of a loved one. It's often difficult to know what to do or say when you wish to support them through their intense grief. Sharon Heselton, a senior associate in the wills, trust and probate team at B P Collins and a bereavement volunteer, offers advice on how to provide the best possible support to those in need.

## Be compassionate and calm

Your friend or loved one will experience a rollercoaster of emotions when grieving. Remaining calm and compassionate at all times, will help them through this very difficult phase. There are some people who might feel uncomfortable offering emotional support as it might not come naturally to them, so perhaps practical help could be provided. When someone is newly bereaved, they might not be able to cope with daily responsibilities, so offer to take the children to school, make some freezer ready meals or arrange to pick up their shopping. This will be of huge help if they are not yet ready to face the outside world.

## Don't judge

Everybody's grief is different. It is important not to judge how they display their emotions. You might feel they need to get a handle on their grief or perhaps you may think that they seem to be getting over their bereavement too quickly. However, it is not up to you to tell them how they should behave. Most of your support should involve listening to what they have to say.

## Don't try to fix their grief

You're not going to be able to fix their grief, despite how much you want to make it better for them. Their grief will still be there in the years to come and probably for the rest of their life. Their road to coping and reintegrating into everyday life will be a very personal journey for the bereaved person and you cannot 'cure' them, no matter how much you want to. It's their grief, not yours.

## Be present

Unfortunately, some people may want to avoid those who are grieving. This isn't necessarily coming from a malicious place, but rather they're worried about saying the wrong thing or doubting if they can really help them. But after a funeral, when the hubbub has died down, this is when your friend may need you more than ever, otherwise, they could feel completely alone.

## Try to understand what your friend is going through

There are many models on bereavement that illustrate the grieving process. Although this might sound a bit clinical, they are helpful in reflecting the emotions and journey that people may experience after a huge loss. Some models illustrate how the bereaved will move between periods where they try to process their grief and experience feelings of profound sadness and anger; and other times – where they're getting on with life, such as arranging the funeral, looking after the children, getting back to work or even just buying groceries. As a friend, it's important to be by their side as they pendulum between the two or experience both elements at the same time.

**The guidance in this article shouldn't be regarded as a substitute for the advice from a trained counsellor. If you or a loved one has been affected by a bereavement, Cruse Bereavement Care can help by calling 0808 808 1677.**

# Advice from B P Collins on how to achieve a successful corporate merger

The M&A market is booming with Ernst & Young confirming that, "the UK deal market remains exceptionally active in 2021." Not only do B P Collins' corporate and commercial lawyers have extensive M&A expertise, but as B P Collins is a cross practice firm, they also work closely with its employment, commercial property and dispute resolution teams to ensure a seamless service for clients. In this latest edition of Insight they offer key advice to help achieve a successful corporate merger.



*David Smellie,  
corporate and  
commercial partner*

Where the businesses which are merging are separately well-established, each may well have long-standing intellectual property rights (IPR). But, from a market-facing perspective, when one joins another, you are creating something new, so it's important to protect IPRs. If rights can be registered, think about doing so.

In some cases, a business's key assets will be its existing contracts. However, some contracts include provisions which allow one side to terminate if there is a change in those who control the other contracting party. A thorough due diligence process should highlight these issues, so take time to know what you are buying or merging with and get assurances in advance where necessary.



*Simon Carroll,  
dispute resolution partner*

- Don't rely on verbal assurances. Instead write the agreement down and get it signed. It may not always be binding, but it's a lot easier to prove something has been agreed if it's in writing, or even better, put it into the contract.
- Seldom can something be as divisive as a name, particularly for a newly merged business, bringing with it implicit views on the balance of power in the merger process. If one brand is being subsumed, ensure that stakeholder views are aligned and everyone is clear on how that will work at an early stage, as it will help avoid internal conflict and help the external, market-facing transition.



*Reghbinder Deol, commercial  
property senior associate*

- Real estate is often one of the top items on a company's balance sheet and therefore time is needed to evaluate the entire real estate portfolio in detail. Owned and leased real estate can be both an asset or a liability so it is important to identify any potential risks and problems as well as ascertaining approximate values.
- A strategy will be required to work out how to align the real estate with what will best serve the business' needs. Owned and leased property will need to be physically inspected, property valuations carried out and leasehold documents reviewed to disclose liabilities, presence of break clauses, rights to deal with the property and the length of the lease term, amongst other things.



*Jo Davis, employment partner*

- The seller should try to ensure that all staff are on standard employment T&Cs as much as possible. This way, you can disclose just one pro forma contract as part of due diligence and then simply add a schedule of who is paid what, what benefits they enjoy and so on.
- The seller should also identify any employment issues, such as employees who work longer than 48 hours per week but haven't signed a working time opt out or who have been made a promise of some sort and deal with it prior to the merger.
- Change can be daunting, so it is vital to communicate with staff prior to the merger to alleviate any concerns they may have and highlight any additional benefits they will enjoy following the merger.

For advice on achieving a successful corporate merger, contact our expert teams on email [enquiries@bpcollins.co.uk](mailto:enquiries@bpcollins.co.uk) or 01753 889995.

# How I made it

## Jonathan Duck - Amtico

Insight spoke to B P Collins' client, Jonathan Duck, the CEO of Amtico, a company which crafts beautifully designed and skilfully manufactured flooring in Coventry and the US, with sales across the world. Jonathan believes that encouraging autonomy amongst your staff, knowing that you won't have the answer to everything and being adaptable, are the keys to business success...along with a bit of luck too.

### What qualities do you think helped you to achieve where you are today?

Jonathan initially speaks about external forces, such as luck and being in the right place at the right time. His previous employers have also had a huge influence on how he manages his teams:

"I never forget that any business is all about the people and it's your job to bring out the best in them. But there are different ways of going about it. You do come across managers who will just give orders and try to make all the decisions. This doesn't work for me at all. I've been lucky enough to work at companies where you were expected to give every employee the power to work out what needs doing, maybe have a discussion about it, then let them run with it and make sure you get out of their way. It's all about being human and devolving as much as you dare."

When asked about his own qualities, which have helped him get to where he is today, he says, "Hopefully I am able to look at a business and diagnose what needs doing," adding:

"I'm not an expert in anything. It's just about knowing enough to realise the difference between good and bad and where the fundamental issues lie. As you get older, you also have to avoid becoming a prisoner of your own experience. You need to stop thinking that you've got all the answers, because you don't. It's all about giving the free spirits around you the independence to excel, sometimes with a bit of guidance."



### What is the best part of your job?

"I'm running a business that's both good fun to work in and is highly successful. Amtico operates in the very entertaining world of interior design, where aesthetics and beauty are at the core of every product and where you're dealing with architects and designers every day.

"There are many dimensions to this business, and I love the variety. As I look out my window, I can see a tanker arriving with a lorryful of industrial ingredients, about to be converted into beautiful flooring, after being designed and manufactured in our Coventry plant. Our sales team will build relationships with, and then sell to, architects, designers, end users and retailers. Then, of course you have the financial and commercial aspects, with Amtico trading around the world. When Covid is past, I'll be back to travelling everywhere.

"Winston Churchill once said, 'we want a lot of engineers in the modern world, but we do not want a world of engineers.' Even though I trained as an engineer, I don't think of myself as one. I find that a background in sales and marketing at FMCG companies helps when managing the Amtico brand. It was great fun working at Britvic in the 90's, with the famous Tango "slapperman" ads, and at Bass Brewers with the "I bet he drinks Carling Black Label" campaign, including those iconic Dambusters ads.

"I also do a few other things on the side, which lend perspective. Until earlier this year, I chaired the CBI in the West Midlands. You get to see what other companies are up to, and are up against, and periodically deal with Government. I trustee chair the Mitchells & Butlers' pension scheme, with pensions worth over £3bn for about 23,000 members. And I invest in a privately backed self-storage company."



### How have you contributed to Amtico's success?

Jonathan jokes that they've all done terribly well despite him. However, for the first two years after he joined, "it was like being in ER. I had to act very quickly on multiple issues and be pretty hands-on. The business was still doing OK but it was in severe danger of getting left behind."

The company then went through an "exciting" secondary management buyout in 2006, before the 2008 crash, "where banks were finding every possible excuse not to lend to you," but since the trade exit in 2012, Amtico has enjoyed, "a stable corporate parent, which makes things a lot smoother."

Jonathan believes he has been able to manage each unique phase of growth, using a different management style for each stage, adding that, "it's so important not to shy away from the problems that need to be tackled, but how you go about it can evolve as the team around you finds its feet."

True to his fervent belief in empowering his workforce, Jonathan continues, "it's vital to be able to build the right culture, where authority is pushed out, where delegation is embraced and where micromanagement is avoided. It's about knowing where you're going but consciously not spelling out exactly how you're going to get there. Set the goal together, then let your team work out how they'll achieve it. That way, as business conditions change, your team will automatically react and adapt much faster than you ever could."

### How has B P Collins helped?

"We use Chris Brazier, (B P Collins' employment partner) for advice on HR issues and Alex Zachary, (B P Collins' corporate and commercial partner) for commercial contracts, GDPR, and other regulatory issues. B P Collins has really helped us, as a practical and trusted guide throughout a series of complex scenarios. Knowing you can just pick up the phone and instantly get great support makes my life, and my HR Director's life, a lot easier."

### What are the company's plans for the future?

"Simply to keep growing and carry on doing what we're doing. After being founded in 1964, Amtico has grown from scratch to nearly £200m worldwide annual sales. And it's the market leader in its particular field. The Company has also had only two CEO's in its entire history, so continuity and stewardship of that success is important. We typically grow around 10% every year, but at the moment, as we bounce back from Covid, it's closer to 30%, so 2021 will be another record year. But we cannot get lulled into a false sense of security. Competitors are always looking to replace us, so we need to stay constructively restless.

"We believe we are Coventry's largest manufacturing business, and the next step will be to add more manufacturing capacity. In the past decade we have shown that you can outcompete Far East manufacturing and re-shore production back to the UK as well as the US. With future investment we will be able to carry that national torch forwards."

### If you weren't Amtico's CEO, what would you be doing?

As a qualified Yachtmaster and private pilot, Jonathan muses, 'You never lose a dream, it just incubates as a hobby.' So it would have to be either captaining a sailing boat or piloting a plane for a living. They are both practical challenges, especially coming into a new harbour or airfield when the tide or crosswind are out to get you!

"At the end of your life, you don't want to be saying I only wish I'd done this or that, or would have, could have, should have. Steve Jobs hit the nail on the head when he said, 'your time is limited, so don't waste it living someone else's life.' I would like to live by that ethos every day."

[www.amtico.com](http://www.amtico.com)

For the full interview, please visit  
[www.bpcollins.co.uk/knowledge-hub/article/how-i-made-it](http://www.bpcollins.co.uk/knowledge-hub/article/how-i-made-it)



# Demystifying the new IR35 rules

**S**ince they've come into force, many business owners and HR managers have found the IR35 rules to be complex and confusing, leaving them with the feeling that they've got no choice but to let go of their external contractors or consultants for fear of being heavily penalised. Ben Lindsay, employment associate, aims to dispel key IR35 myths and advises on how contractors can still be hired, without falling foul of the rules.

If you do business with or through a Personal Service Company (PSC) or other similar intermediary business, then you are probably familiar with the recent IR35 reforms.

For those not so familiar, IR35 refers to certain tax rules which provide for contractors operating through a PSC to be treated as an employee for tax purposes in cases of "disguised employment". Since 6 April this year, medium and large private sector businesses need to determine whether their contractors fall within IR35 as, if they do, they will be responsible for the tax payments under PAYE.

This question is whether the contractor or consultant is truly working on a self-employed basis or is in effect operating as an employee

A recent survey of 1,850 contractors, by advisory firm Qdos, reported that 65% of contractors had been assessed by their clients as "inside IR35", which seems to

reflect a general position that companies are exercising a cautious approach to determining tax status to avoid being held responsible for their contractor's unpaid tax. However, highly skilled external consultants who can be called on at short notice for a particular project are still a vital component of the workforce for many businesses who need flexibility.

The good news is that work can still be done on an "outside IR35" basis. Although, whether the arrangement will be one of true self-employment will usually depend on several factors, some of which are considered here.

## Must the contractor be able to appoint a substitute to operate on a true self-employed basis?

If the contractor is freely able to appoint a substitute to do the work, then this is a strong indicator that the arrangement is one of true self-employment.

## Does it matter how the contractor is paid?

A time spent pay arrangement, such as payment on an hourly, daily or weekly rate basis, may indicate that the contractor is operating like an employee. Whereas, an arrangement where payment is linked to the completion of a certain task may indicate that the contractor is taking on more financial risk and in doing so operating on self-employed basis.

## Does it matter how the contractor introduces themselves to customers or suppliers?

If the contractor presents as if they work for your business, then this would typically be an act more associated with an employee.

## Does it matter whether the contractor does similar work for other businesses?

Generally, the more freedom the contractor has, the more likely they will be truly self-employed.

However, these and the other relevant factors have to

be balanced against commercial considerations such as to the extent to which the client wants to protect its own interests.

Ultimately, it is essential that the contract records the true intentions of the parties and reflects the day to day reality of their arrangements. A sham contract will be likely to be exposed and HMRC will look at what happens in practice rather than what the contract says should happen.

## Conclusion

The Government has developed an online tool which is designed to determine IR35 status, known as CEST (Check Employment Status for Tax). This may not necessarily be a perfect solution, but HMRC has promised to stand by a determination it produces, providing the inputted details are accurate and the situation doesn't materially change.

However, if you are concerned that CEST will generate a "within IR35" determination, you may want to look at how you could alter that determination. Equally, if CEST has already determined that your consultant is a disguised employee, you may want to change how you interact with the consultant to move him/her outside IR35. B P Collins can help with this, whether for the purposes of preparing a Status Determination Statement or challenging one.

With the general principle being that a true contractor usually operates with greater freedom and more risk than an employee, the market for PSCs is far from closed.

For further advice, please contact  
ben.lindsay@bpcollins.co.uk or call  
01753 396304.



# Do you know your CHIS from your OCG?\*

**A**s specialists in criminal law, B P Collins' growing criminal practice most certainly does. In this edition of *Insight*, it has a quick quiz to test your knowledge on the law in England and Wales.

- 1) Metropolitan Police Act 1854 makes it an offence to beat your carpet in the street after 7am.
- 2) It is an offence to be drunk and in charge of cattle in England and Wales.
- 3) The Salmon Act 1986 outlaws "handling Salmon in suspicious circumstances."
- 4) MPs are allowed to wear armour in Parliament.
- 5) In 1981 the breathalyser was introduced as a way of testing a person's blood alcohol level.
- 6) CPS stands for Criminal Prosecution Service.
- 7) The 2003 Licensing Act makes it illegal to buy a drink for a drunk person.
- 8) The Metropolitan Police Act 1854 makes it an offence to "wilfully and wantonly disturb any inhabitant by pulling or ringing any doorbell or knocking at any door without lawful excuse."
- 9) According to the Seamen's and Soldiers' False Characters Act 1906, it is illegal to pass yourself off as a member of the Armed Forces.
- 10) Thanks to the Metropolitan Police Act 1839, if you annoy individuals by flying a paper aeroplane, you'll be fined £500.

**Answers**

- 1) False. It is an offence after 8am.
- 2) True. It stands for Crown Prosecution Service.
- 3) True. It was 1967.
- 4) False.
- 5) True.
- 6) True.
- 7) True.
- 8) True.
- 9) True.
- 10) False. You will be fined if you annoy people with a kite.

## About the team

With 30 years' experience, **Jonothan Moss** specialises in all areas of criminal defence and can advise and attend any interviews under caution conducted by the authorities such as Police, Environment Agency, HMRC, DWP or Environmental Health. He will also prepare any case, should you or your company ever be required to attend a criminal court.

Jonothan can also advise you on options available including assisting with your Victims' Right to Review, should you be the victim of crime and the CPS or Police unreasonably refuse to prosecute an offender in your case. Jonothan has been able to set aside initial decisions made by the authorities by making challenges to an investigation and holding to account those whose duty it is to prosecute cases.

In addition to specialising in motoring offences, mental health law, environment and professional discipline, **James Constable** offers the added benefit of being a solicitor advocate, meaning he can work with you from the beginning of your case right through to representing you in court proceedings if required, so there is one point of contact and support throughout.

For further advice, B P Collins' criminal team can be contacted on 01753 945503 or [disputes@bpcollins.co.uk](mailto:disputes@bpcollins.co.uk). You can also follow James Constable on Instagram at 'the\_criminal\_solicitor' for more criminal law updates.

\*CHIS is a Covert Human Intelligence Source and OCG is an Organised Crime Group.

# Firm updates



## B P Collins opens Thame Office

We are delighted to have opened a new office in OX9, in the heart of Thame, Oxfordshire. Jo Davis, B P Collins says: "We have advised clients in and around Thame for many years, so establishing an office in the town seemed the obvious next step. We are already cementing old relationships, building new ones and helping the people in the area through any legal issues, whether they be personal or business related."

## B P Collins shortlisted for two major awards

B P Collins was shortlisted in the 'Best use of technology' category by the global Managing Partners' Forum Awards, in recognition of our work in combining flexible employee working and outstanding client service through the implementation of a state of the art technology and infrastructure programme.

Thanks also to Bucks Business First for shortlisting B P Collins for a Corporate Social Responsibility award - kindly sponsored by Chandler Garvey - in the Buckinghamshire Business Awards 2021, after recognising our dedication to charitable giving and fundraising; community sponsorship programmes; improving the environment and climate; and to people and diversity.

## Promotions

Congratulations to our property dispute practice group leader, Phil Hind, who was promoted to partner - our 16th in the firm. Well done also to Rajiv Malhotra, Steven Smith and James Constable who have been promoted to senior associates in the dispute resolution team - and to Beth Miel who was also promoted to senior associate in our corporate and commercial practice.

## B P Collins now offering adjudication services for construction disputes

Adjudication is a simpler and less expensive alternative to traditional litigation and allows parties to get a quick interim decision and move forward. A party has the right to refer a dispute arising out of a construction contract to adjudication at any time and it is an effective tool to resolve disputes during the life of a project and which often relate to issues of cash flow. B P Collins acts for referring and responding parties and advises on all aspects of adjudication in construction disputes, including key contractual terms, possible jurisdictional challenges, identifying who is best placed to give evidence, what specialist external support may be required, as well as what documentation our clients will need to bring together to support their claim or defence. Please get in touch with [steven.smith@bpcollins.co.uk](mailto:steven.smith@bpcollins.co.uk) to find out more.

## B P Collins' HR Cabinet

Since B P Collins created the HR Cabinet, it's been a place for HR Directors, HR Managers and C-suite executives with HR responsibilities, to come together to share, collaborate and learn.

When you join, you receive regular employment law updates, get the opportunity to talk HR strategy and engage in debate and discussion with others who face the same challenges.

This is your group and your opportunity to get a second opinion and bounce ideas around in a safe space for one hour every month. To find out about future dates, please visit B P Collins' events page on our website or email [enquiries@bpcollins.co.uk](mailto:enquiries@bpcollins.co.uk)

## Criminal team launches new services

B P Collins' criminal team has introduced a new range of services over the past year. In addition to its existing services, it also advises clients on:

- Business crime and fraud
- Criminal defence
- Mental health
- Military law
- Professional discipline
- Regulatory investigations

## Have you considered... pre or post nuptial agreements?

Pre-nuptial agreements are entered into by a couple who are planning to marry with the intention of setting out what should happen if the relationship breaks down. The agreement can cover a variety of things such as financial arrangements, property, maintenance or capital provision; or specific assets such as shares in a business. Less well known are post nuptial agreements, which are entered into after a marriage, and would replace a pre-nuptial agreement, if one exists. A trigger for a post nuptial agreement is often the expectation of a gift or inheritance from parents. For further advice, please contact family partner, [claire.filer@bpcollins.co.uk](mailto:claire.filer@bpcollins.co.uk) or 01753 278691.



## B P Collins sponsors Healthcare Employer Award

B P Collins is passionate about employee wellbeing and CSR, which is why we were proud to sponsor the Healthcare Employer category at the Bucks Health & Social Care Awards 2021. The welfare and positive engagement of healthcare employees has never been more important, which is why we felt it was vital to celebrate the employers looking after their teams. Healthcare workers have faced unprecedented challenges this year and have never needed more support and commitment from their managers in order to feel valued and to do their job well. Congratulations to everyone that was shortlisted and to the winner Oxford Aunts.

## Heart of Bucks update

This year we gave thousands of pounds to organisations that focus on building stronger communities, providing better futures and creating safer lives in Buckinghamshire, and either struggled due to the Coronavirus or focused on helping local communities with issues caused by the pandemic. In 2021, B P Collins, in conjunction with its stewardship with Heart of Bucks, is looking for more charities in the county to support. Follow us on social media so you can be the first to hear when the next round of applications will open. Good luck!

## B P Collins sponsors Small Business of the Year at the Buckinghamshire Business Awards 2021

B P Collins has been advising small businesses for many years. This is why we were delighted to sponsor Small Business of the Year at the Buckinghamshire Business Awards this year. Congratulations to UKSOL Ltd - a leading exporter of trusted solar solutions - for winning this year's category after demonstrating superb business performance, growth and potential for future growth in the years ahead.

## Upcoming events

Please email [enquiries@bpcollins.co.uk](mailto:enquiries@bpcollins.co.uk) or keep an eye out on our website for further details of B P Collins' annual property seminar coming up in the Autumn, where attendees are eligible for CPD points.



*#ByYourSide*

[www.bpcollins.co.uk](http://www.bpcollins.co.uk)

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This document is for information only and is believed to be correct at the date of publication. Articles have been reduced where necessary and are of a general nature, therefore should not be relied on as a substitute for specific legal advice.

No action should be taken without speaking to your legal advisor.

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