

Issue 12 April 2016

New obligation on companies to maintain register of Persons with Significant Control.

As reported in our Autumn 2015 Commercial Brief, the ("the Act") received Royal Assent on 26 March 2015.

One of the aims of the Act is to enhance the transparency of UK private companies and from 6th April 2016 most companies have to start maintaining a register of people with significant control...

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Enforcing restrictive covenants in employment contracts

In the recent case of *Bartholomews Agri Food Ltd v Thornton* the High Court rejected an employer's application to enforce the terms of a restrictive covenant contained within a contract of employment.

Mr Thornton had been employed by Batholomews Agri Food Ltd since 1997 to provide customers with agronomic advice. In December 2015 he resigned from his role there with the intention of starting work with Pro Cam UK Ltd.

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Tougher data privacy obligations to come into effect in 2018.

The General Data Protection Regulation, GDPR, will replace the Data Protection Act in 2018 following its adoption by the European Parliament on 14th April. It is much tougher on businesses.

The EU has trumpeted the fact that it will be the same law across the whole of the EU and that it gives individuals:

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Penalty Clauses: The new rules and how these impact on commercial contracts

In late 2015 the Supreme Court gave its judgment on the joint cases of *Cavendish Square Holding BV v Talal El Makdessi ("El Makdessi")* and *ParkingEye Ltd v Beavis ("ParkingEye")* [2015] UKSC 67. In these cases the Court considered the long standing rules and principles in relation to penalty clauses contained in commercial contracts. The decision is considered to be one of the most important in English Common Law for the last 100 years.

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Changes announced in the 2016 Budget to SDLT for commercial property

George Osborne delivered his 8th Budget on 16th March 2016, and has introduced a change to commercial stamp duty land tax (SDLT).

If you are purchasing or taking a lease of a non-residential or mixed use property, you will no longer pay SDLT on the previous "slab" system but will, from 17 March 2016, pay on a "slice" system similar to residential SDLT rates. This is good news if you are purchasing a commercial property up to £1.05 million as you will now in effect pay less SDLT. If you are purchasing above this amount then you will pay more SDLT from 17 March 2016.

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Taking control of goods

The Taking Control of Goods Regulations, part of the Tribunals, Courts and Enforcement Act 2007, came into effect on 6th April 2014. The aim of these regulations was to bring conformity and clarity to the various forms of debt enforcement. The main changes to the existing law were:

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This Commercial Brief is edited by Geoffrey Sturgess. For further details on any of the articles, contact Geoffrey at geoffreysturgess@warnergoodman.co.uk.



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