Issue: Winter 2014

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Transparency



bto News

In this edition

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Biggest Shake-up in Scottish Courts System in a Generation

The Courts Reform (Scotland) Bill was passed by the Scottish Parliament on 7 October 2014 and received Royal Assent on 10 November 2014.

What lies ahead?

The Act broadly implements recommendations made by the Lord President, Lord Gill, as part of the Scottish Civil Courts Review. The Review had concluded that the Scottish civil courts provide a service to the public which is *"slow, inefficient and expensive"* and recommended that *"the court system has to be reformed both structurally and functionally."*

Lord Gill welcomed the new legislation, saying: ***"These reforms will safeguard the integrity of Scots law by creating an efficient court structure. Every case will be heard by the appropriate court. The system will be accessible and cost effective for the litigant."***

The reforms include:

- Raising the minimum limit for claims in the Court of Session from £5,000 to £100,000. Therefore, cases for values under £100,000 require to be raised in the Sheriff Court. The Bill initially sought to have the limit extended to £150,000.
- New specialist personal injury court, with a Scotland-wide jurisdiction.
- New national Sheriff Appeal Court to deal with appeals from the Sheriff Court.
- New procedures for bringing appeals to the Inner House of the Court of Session and for some appeals to the Supreme Court of the UK.
- Introduction of a new 'simple procedure' for Court actions of £5,000 or less, replacing the existing Small Claims and Summary Cause procedures.
- Introduction of a three-month time limit for bringing Judicial Reviews in the Court of Session.
- Interdicts to be enforceable outwith the Sheriffdom initially granting the interdict.

It is anticipated that the Scottish Civil Justice Council will implement the reforms through amendments to the Court Rules on an ongoing basis. However, precisely when the first changes will take effect is not yet known. We will provide further updates on the reforms as they develop, with a focus on the impact of these reforms from your perspective.

Kirsteen Maclean kim@bto.co.uk

Data Protection: Do nine-figure fines make you anxious, or are they just inconvenient?

Data protection should be very high on the agenda for every organisation at the moment. The Snowden revelations have ensured that privacy and data security are already high on the agenda for members of the public. Businesses are increasingly being judged on their ability to look after people's data properly...

There is no doubt that reputations will be made and lost on the basis of good or poor data protection in the coming years. Complementing these considerations are the activities of an increasingly proactive and strident regulator, together with new EU laws that will soon make the existing data protection regime seem positively cuddly.

The UK regulator, the Information Commissioner's Office (ICO), is already willing to flex its muscles and impose significant fines of up to £500,000 for "data breaches". With the new EU Data Protection Regulation looming, businesses should be preparing now for much greater regulation of the data they process and for eye-wateringly high fines, of up to €100,000,000 or 5% of global turnover for getting it wrong. The ICO has not been shy about using the powers it has been given to date. So there seems no doubt it will wish to use new powers to full effect. The EU Regulation is expected to become law in 2015 with the new fines available to national regulators by 2017 after a transition period. Businesses would be well advised to track these developments and take specialist advice as soon as the new Regulation is enacted.

To date, the ICO has issued fines under section 55A of the Data Protection Act 1998 (DPA) for breaches of that Act ranging from £1,000 to £325,000. A significant proportion of those were issued to public sector bodies. In addition, the ICO has been pursuing criminal prosecutions of people and organisations. Individuals such as a paralegal and a pharmacist have been prosecuted for unlawfully accessing personal data. Organisations have been prosecuted for failing to register with the ICO, thus rendering their personal data processing activity unlawful.

Businesses using direct marketing methods such as SMS texts, email campaigns and cold phone calling should note that the ICO also has power to impose £500k fines for breaches of the Privacy and Electronic Communications Regulations (PECRs). In 2013, a £360,000 PECR fine was overturned on appeal. Worryingly, in our view, the ICO's reaction has been to try and argue in a Consultation Paper (click here) that Parliament should either lower the fines threshold from the present *"causing substantial damage or distress"* down to "*causing annoyance, inconvenience or anxiety"* or do away with the threshold *completely*. The justification being that *"this would not only simplify the PECR regulations but provide the greatest scope to the ICO to issue penalties".* No doubt – but when Parliament gave the ICO the right to issue £500K fines, it presumably made the test as high as "substantial damage" precisely because the fines were so significant.

Christopher Graham, the Information Commissioner, continues to impress upon the media how important his role is, effectively highlighting topical issues to the "Today" programme on Radio 4. Of particular note was the "Tsunami of complaints" he said he had received about the Google 'right to be forgotten' case. However, following a Freedom of Information request, it transpired that just 12 complaints had been received (click here). Mr Graham has also repeatedly called for serious data breaches and PECR breaches to attract prison sentences. In an interview with the Independent on 23 February 2014, he described local authority chiefs as "hopeless" in relation to their approach to data protection (click here).

Faced with all of the above, it is clear that public and private sector organisations may need very robust legal representation. At **bto,** we have a specialist Data Protection Defence team who can provide compliance advice in relation to data protection. Our data protection lawyers are the only ones in the UK to have successfully appealed a fine imposed by the ICO following a serious breach of the DPA. In the event of a data loss, our team can also help you manage the process and guide you through the steps needed to deal with the issue and, if necessary, deal with the ICO investigators. So if the arrival of a tsunami might be inconvenient or distressing, give us a call.

Laura Irvine lji@bto.co.uk / **Paul Motion** prm@bto.co.uk

Land Registration – Warning to Landowners

The new Land Registration Act came into force on 8 December 2014 and is the first significant overhaul of the registration process since the creation of the Land Register in 1979. Much of the 2012 Act is directed at reinforcing the land registration system, as only 26% of Scotland's land mass is currently on the Land Register.

Under the new regime, any "dealing" of unregistered property will trigger a transfer to the Land Register, the aim being that the Land Register be completed within 10 years, with all publicly owned property on the Register within 5 years. To appreciate the scale of the task ahead, an average of 113,000 applications for first registration will need to be completed each year for 10 years. The average achieved for the last 10 years has been 45,000.

In order to achieve this target, new triggers inducing first registration of title have been introduced, of which perhaps the most notable from a landowner's perspective is known as "Keeper induced registration". This confers upon the Keeper of the Registers of Scotland the power to register unregistered properties without obtaining the land owner's consent. It has been suggested by academics that this mechanism may need to be used aggressively to achieve the ten year target for first registration.

"Keeper induced registration" confers upon the Keeper of the Registers of Scotland the power to register unregistered properties ….

Without the involvement and input of the landowner and the landowner's solicitors, there is a risk the registered title will have inaccuracies."

Landowners who do not take proactive steps to register their land voluntarily (voluntary registration being another of the new triggers) may find themselves in a position where they are not in control of or even aware of the process.

Keeper-induced registration is an entirely new mechanism and the Keeper will not have had the benefit of a solicitor having examined and advised on the title. Without the involvement and input of the landowner and the landowner's solicitors, there is a risk the registered title will have inaccuracies. The Keeper must notify the landowner on completion of registration if "Keeper induced" and we recommend that an owner in receipt of such a notice should have the title reviewed by their solicitors to identify any inaccuracies and seek to address them. The Keeper might not always be able to accurately identify the legal boundaries of the land, meaning there is a risk of inaccuracy, with landowners finding themselves in a worse position as a result.

In order to properly protect their interests and ensure as smooth a transition as possible, it is recommended that landowners use their right to have their land registered voluntarily, thus remaining in control of the registration process.

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The FCA Regulation of Crowd Funding

Crowdfunding is the process of raising money (usually online) by asking large numbers of people for small amounts of money. Last year, it was estimated that almost £1 billion was raised through crowdfunding worldwide. In response to this rapid growth, the Financial Conduct Authority (FCA) published a new set of rules and guidelines for UK crowdfunding platforms in April 2014. How do these rules aim to protect investors?

There are three main types of crowdfunding:

- **Donation Crowdfunding:** Donations are made based on the appeal of the project and nothing is guaranteed in return.
- **Debt Crowdfunding:** Investors loan money to projects and receive it back with interest.
- **Equity Crowdfunding:** Investors will receive shares in the company in exchange for any capital invested.

Why has the FCA decided to regulate?

There are some risks associated with crowd funding. Start ups and early stage businesses have no trading history and so there is no accurate way to predict the return on any investment made and there is no guarantee for investors of future dividend payments or the return of their capital. Also, given the nature of crowdfunding, there is no way to ultimately tell how many investors will be involved in a project so investors risk the subsequent dilution of their shareholding.

In light of this, the FCA consulted on crowdfunding at the end of last year and a new system of rules was brought into effect. These rules will only affect debt crowdfunding and equity crowdfunding. This means many well-known platforms such as Kickstarter and Indiegogo which promote donation crowdfunding will not be subject to the new regime.

What are the new rules?

Debt Crowdfunding: Crowdfunding platforms must clearly display crucial information, such as the identity of the borrower and any risks associated with the loan, and any promotions and interest rates cannot be misleading.

Now, investors must be given 14 days to cancel without reason or penalty and platforms are required to have back up plans to secure the loan structure. This is because platforms often require repayments to be through them rather than directly from borrower to lender. A back up plan will ensure that loan repayments from the borrowers to investors will continue even if the platform ceases to exist.

Equity Crowdfunding: The FCA regime has introduced the controversial "10% rule". This means any person who wishes to buy shares in a company via crowdfunding must certify that they are not committing more than 10% of their "net investible assets" (i.e. their home, pensions and life insurance). Strangely, the 10% rule is waived for "sophisticated investors" who are deemed to understand the inherent risks or have the financial capacity to cope with any losses. Additionally, platforms must be careful about providing any supporting information. Accolades such as "Investment of the Day" may be deemed to be investment advice and, as such, will have to be regulated by the FCA.

What next?

The FCA has also expressed concerns regarding the use of social media to promote ideas or products to be financed by debt or equity crowdfunding. This has been particularly controversial as social media and the idea that certain projects can "go viral" online has always been crucial to crowd-funding. The FCA has decided that every "advert" must adequately explain the risks associated with crowd-funding. While this may be feasible for larger adverts on sites like Facebook, the FCA has also suggested that Tweets should also contain these warnings (despite their 140 character limit).

These new rules have been met with mixed reviews. While the motives behind the regulations have been praised, it is thought the rules in their current form will in practice stifle a model which was intended to be an informal and innovative way of financing projects. It remains to be seen what effect the FCA rules will have on crowd-funding as a whole.

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Weighted Voting

"Weighted voting" describes the situation in a corporate entity where members' voting rights are weighted, e.g. by reference to their contributions to the company or their interests in the assets of the company. It can be used to protect a minority shareholder by providing it with weighted voting rights, which could be deployed, for example, to prevent certain resolutions being passed. Alternatively, it can be used to ensure that those members who have contributed most to the company have control of the company.

Sugarman –v– CJS Investments LLP [2014] EWCA Civ 1239

The Court of Appeal considered the construction of the Articles of Association of a flat management company. Each member owned one share in the company for each flat which it owned. The issue was how many votes each member could cast at meetings. One member owned more than half of the flats within the property.

Article 13(a) of the company's Articles stated that each member present at a meeting, in person or by proxy, had one vote. The appellants argued that each member had one vote, both on a show of hands and on a poll, no matter the extent of their interest in the property. The respondents, however, contended that they should be entitled to one vote per share on the grounds that, even if one member owned a majority of the flats, but was only entitled to one vote, that member could be routinely outvoted by the remaining members. In their view, that would be an unfair and absurd outcome. The judge at first instance agreed with the respondents and construed Article 13(a) as conferring one vote per share.

On appeal, it was submitted that Article 13(a) was clear and meant that, whether the vote was cast on a show of hands or on a poll, each member had just one vote, regardless of how many flats they owned within the property. It was claimed that this position was supported by the fact that Regulation 54 of Table A, which expressly provided for a different method of counting on a show of hands and on a poll, had been expressly disapplied by Article 13(b). The respondents, however, argued that Article 13(a) only dealt with a vote on a show of hands, and not the right to vote on a poll. Section 284(3) of the Companies Act 2006 therefore applied and each member had one vote per share on a poll vote.

The Court of Appeal allowed the appeal. It said that the effect of the respondents' argument would be that the provisions of Regulation 54 continued to apply despite the bespoke provisions in the company's Articles. The Court, however, pointed out that Article 13(a) had other differences from Regulation 54 and the company had considered it simpler to draft its own provision in its Articles. It was concluded therefore that, whether a vote was taken on a show of hands or on a poll, each member present in person or by proxy had one vote. It could not seriously be suggested that the reasonable person seeking to understand the words used in Article 13(a) would react by saying "it cannot mean what it says". It meant exactly what it said insofar as it related to a vote on a show of hands. So far as a poll was concerned, given that section 284(3) could, under section 284(4), be disapplied by a provision in the Articles, there was nothing inherently implausible in it being disapplied in Article 13(a). In other words, the language in Article 13(a) was clear and the Court was bound to apply it. Whilst one might express a preference for a mechanism which allows greater control for those who owned more than one flat, a system based on one member one vote fell well short of commercial absurdity.

Conclusion

If weighted voting is to apply in a company, its Articles must clearly set out how votes are to be weighted and should also make it clear that weighted voting is to apply on a poll vote. Members should not rely on the Courts applying the principle of commercial absurdity to say that greater control should be given to members which have a larger interest in the underlying assets of a company.

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Plan Ahead & Protect Your Assets

What key issues should married or cohabiting business owners and executives take into account when planning for the future?

In our experience, the key consideration for business owners whether they are married or not is to protect their business in the event of separation or divorce.

Time and time again we see clients who face losing control of their business because they took what they considered to be tax efficient measures at the time, without first considering the wider consequences.

What are the most common pitfalls ?

1. getting married without a pre nuptial agreement.
2. co habiting without a cohabitation agreement
3. restructuring a business that was owned pre marriage, during a marriage
4. transferring shares to a spouse/partner so that you are no longer a majority shareholder
5. setting up a business with your spouse and your friend, and his/her spouse, where you each own 25 per cent of the shareholding.

As approximately one half of marriages end in divorce, it is vitally important to consider the impact of divorce on your business. Likewise, the statistics are similar for co habiting couples who have been able since 2006 to make a financial claim on separation.

When should people seek legal advice?

When clients come to us it is often too late. Our job is to try to navigate them out of the predicament. Sometimes we are unable to do so. In fact, some divorce cases have highlighted the need to take specialist family law advice before making major personal or business decisions.

Professional advisors such as accountants and corporate lawyers also need to be alert to the fact that whilst restructuring a business may offer short term tax advantages, on divorce, it may ultimately create a very real threat to the operation of a business.

What should people be aware of?

The main threat on divorce is, of course, the financial one.

There are, however, other considerations such as the lack of privacy a divorce action can bring, along with the drain on business resources /operations where much time and money is spent on complying with court orders for information. Add to that the loss of key members of staff for days on end when they are called upon as witnesses in the divorce case.

How can the repercussions of divorce and separation be minimised?

Business owners need to be alive to the potential threat to their business operations as a consequence of the divorce or separation of their significant shareholders. This can be avoided by ensuring that all those about to marry enter in to pre nups to exclude their shareholding from their future spouse in the event of a divorce. All those co habiting, or about to co habit, should enter into separation agreements and all those already married should enter into post nuptial agreements. This all may seem fairly draconian, but it may be the only way to protect your business.

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Health & Safety Offences - Sentencing Update

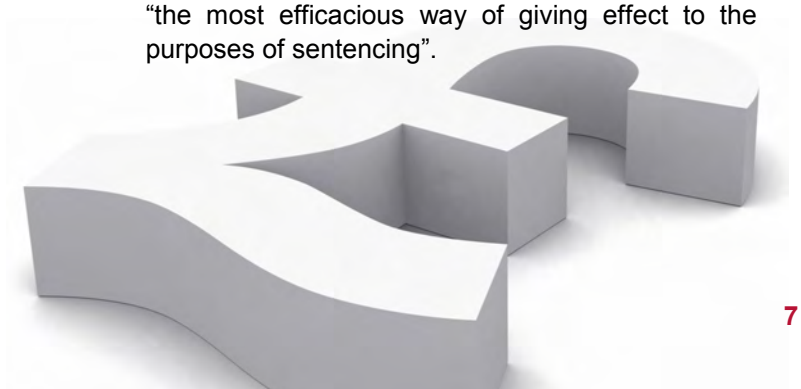
In November 2014 the English Sentencing Council began a consultation exercise looking at sentencing for health and safety, food safety and hygiene offences. Whereas corporate manslaughter and fatal health and safety offences benefit from existing guidance, the Council proceeded on the basis that there was a lack of guidance for other general offences and that the available guidance did not sufficiently address the penalties for individuals.

They are intended to cover a wide range of offences from rat infestations to a supermarket's failure to recall faulty food products. The consultation closes on 18 February 2015. The existing Guidance for fatal cases produced by the English Sentencing Council have been approved by the High Court in Scotland and are now applied by Sheriffs throughout Scotland when sentencing for health and safety offences, including non-fatal cases.

The English consultation was prompted in part by the English Court of Appeal cases of *R v Sellafield Limited and Network Rail Infrastructure Limited* where fines of £700,000 and £500,000 imposed respectively on both organisations were upheld. The Court of Appeal gave guidance on what it perceived to be the purpose of a fine imposed on a corporate entity when upholding the fine imposed on Sellafield:

"A fine of the size imposed, even though only a little more than a week's profit and about 2% of its weekly income, would, in our view, in the circumstances achieve the statutory purposes of sentencing **by bringing home to the directors of Sellafield Ltd and its professional shareholders the seriousness of the offences committed and provide a real incentive to the directors and shareholders to remedy the failures** which the judge found existed at the site at Sellafield ...".

In addition, the Court of Appeal indicated that before a Court considers any fine it should be provided in advance with the information necessary for the court to assess the financial circumstances of the company including information about the corporate structure to enable the court to assess "the most efficacious way of giving effect to the purposes of sentencing".



The Council suggests that to enable the court to assess the financial means of the offending company, this assessment should initially be based on the annual turnover of the company as there is a concern that this is less susceptible to manipulation than other accounting methods. However the guidelines also propose that the court must take into account the other financial circumstances so that the fine can be properly and fairly assessed.

It is suggested that fines for Corporate Manslaughter could be as high as £20 million for companies with a £50 million plus annual turnover. The proposals also suggest that fines for fatal health and safety offences could be as high as £10 million.

Essentially, the feeling is that currently fines are too low and it seems likely that the courts in England will begin to impose higher fines, perhaps before the final guidelines are published, expected to be sometime in Autumn 2015. Assessing the seriousness of the offence will remain significant, but if the proposals are introduced, the impact will be greatest on large corporate entities who will see significantly larger fines being imposed.

It also seems likely that these guidelines will be followed in Scotland given the judicial enthusiasm for the Corporate Manslaughter Guidelines from the High Court. Although it appears that we may have our own Sentencing Council in Scotland in 2015, health and safety offences may not be a priority for that body. Scotland has seen significant fines imposed for health and safety offences by the High Court: in 2005 Transco was fined £15 million following a gas explosion which resulted in the death of four members of the same family and last year saw Svitzer Marine fined £1.7 million for health and safety breaches which led to the death of three individuals when a boat capsized in the Clyde. However, if the Council's proposals remain when the final guidance is published, it seems likely that the Sheriff courts will consider higher fines for health and safety offences.

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Top 10 tips for employers going into the New Year

Having reflected on the most common pitfalls of managing employees, bto's employment team has compiled a list of their top 10 tips for employers going into the New Year.

1. To raise claims for ordinary unfair dismissal, employees need to have 2 years' continuous service (with the critical date being a week before that milestone is reached). To minimise the possibility of claims for unfair dismissal being raised, have HR diarise 2 or 3 months prior to all employees' 2 year work anniversary. At that stage you can either confirm that there are no issues or you can consider ending employment. It is important to remember that many claims do not need 2 years' service and so care is still needed.

2. Take time to periodically check your employees' contracts of employment to ensure that they are up to date, reflect your current practices and still comply with the law. For peace of mind have **bto's** employment team check through them for you. Even if a full review is not required, at the very least it is important to ensure that the contract reflects current legislation, good practice and is compliant with the law.

3. Make sure your employees return their signed contract of employment. This avoids disputes later on in relation to whether the employee agreed certain terms. For new starts, ensure there is a signed contract before the employee's first day.

4. If you pay overtime or commission, ask us for a risk assessment of your current practices in light of the recent case law ruling that overtime and other allowances should be included in calculations for holiday pay.

5. Ensure you have clear rules and policies in relation to social media. There are potential remedies in the event of an employee disparaging your business but it is far better to avoid any damage being done to your business in the first place by having clear policies.

6. If you haven't done so already go to the Pensions Regulator website and check your staging date for auto enrolment. It will take time to roll out in your business and penalties for non-compliance are high.

7. Ensure that your managers and relevant personnel are kept up to date in relation to the requirements of employment law and what you expect of them in managing your staff. This will help reduce the risks of claims arising, and also allow action to be taken against a manager who fails to comply with requirements. Have a look at our training sessions that we can deliver in your office here.

8. Resist the temptation to be "nice". Too many employers are reluctant to deal with issues of performance/conduct because they don't want to create ill feeling. Ultimately, when the employer can't put up with the employee any more and wants to dismiss, it can be difficult to dismiss fairly if the employee was not previously made aware of the need to improve.

9. Ensure that you manage employees' absences. Now that employers cannot reclaim Statutory Sick Pay (SSP) from the government for sick leave after 5 April 2014, it is more important than ever to keep on top of employees' absences and avoid these escalating to long term absence. It is vital to maintain a dialogue with the employee, obtain input from medical advisers, and consider how you can assist the employee in returning to work.

10. Don't wait until the last minute to obtain specialist employment law advice. More often than not, issues can snowball which could have been addressed at an earlier stage.

Jennifer King jki@bto.co.uk

New Chairman

On 1 April 2014, **bto** announced the appointment of commercial property partner **Alan Borthwick** as its new Chairman. Alan said: "*I am absolutely thrilled to be appointed as Chairman of **bto**. Since joining the firm over 30 years ago I have worked with extremely talented people, including my predecessor Willie Young, so to have the opportunity to lead the whole **bto** team is a very exciting prospect.*"

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Alan Borthwick

bto Update: New Recruits

bto's Insurance Team Announces **Two New Partners** & **Triple Qualification**

On 1 April 2014, **Angus Crawford** joined **bto** from Berrymans Lace Mawer in Manchester. Angus, who has significant expertise in running recoveries schemes for insurers and in multi-jurisdictional work, also became triple qualified in 2014 and is admitted to practice law in Scotland, England and Northern Ireland. **E:** akc@bto.co.uk

Ashley Mawby was promoted within the firm's top ranked Professional Negligence team, which sits within the wider Insurance team. **E:** ahm@bto.co.uk

DAC Beachcroft and **bto** Agree Transfer of **Private Client** Team

On 1 May, agreement was reached between leading international law firm DAC Beachcroft and **bto** for the transfer of DAC Beachcroft's private client team in Scotland to **bto**.

New Partner **Neil Headrick**, who specialises in general conveyancing and executry work, wills and powers of attorney, works closely with Partner Roddy Harrison, who heads **bto**'s team. **E:** nmh@bto.co.uk

Neil Headrick and Roddy Harrison

Levy & McRae Transfer **Corporate** Team to **bto**

Andrew Sleigh, Gary Booth, Alan Borthwick and Craig Daniels

On 3 November, Partners **Andrew Sleigh** and **Gary Booth**, both highly experienced in the corporate and commercial spheres, and colleague **Craig Daniels** joined **bto**'s corporate team. Their proven track record in a wide range of corporate transactions, across a number of sectors in Britain and abroad, will be a great asset to the firm and of invaluable benefit to **bto**'s clients.

Andrew also added sports law to **bto**'s portfolio of legal advice and extensive knowledge of the whisky sector gives his credentials a further edge.

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News & Events

bto Moves "Up" to **Larger Edinburgh Premises**

This summer, **bto** moved up to the second floor, to new larger Edinburgh office premises, at One Edinburgh Quay. We celebrated the move with drinks and canapés in our new office. Alan Borthwick, **bto** Chairman said of the move: *"**bto**'s new office can accommodate up to 100 people. We are making a substantial investment in our new premises and are confident that it will be the catalyst to enable the growth of our client base and increase the range of client services we offer, all of which will secure our future as a premier independent Scottish law firm."*

Causing a Stir...

bto ladies treated their guests to a cocktail making masterclass in All Bar One in May.

Even the teetotal amongst us were converted to their Cosmopolitans!

Annual Golf Outing

This year, the seasoned golfers visited Glenbervie Golf Club for a great day out. Our new Chairman, Alan Borthwick's team scooped first team prize - a new golf bag each - and Angus Crawford's team are seen far right proudly accepting their **bto** booby prize...better luck next year Angus!

News & Events

Hallowe'en Event

Our insurance team hosted a 'spooktacular' event at the Marco Pierre White Steak-house Bar & Grill, Hotel Indigo Glasgow, on 30 October to celebrate Hallowe'en. There was even dooking for apples!

Meet Your Peers

On 13 November, **bto** hosted a social evening in CitizenM for our 'younger' solicitors and their clients and contacts - a great opportunity to share and make new connections. A good time was had by all and we are grateful to Mike Ferguson of Social Media Search for his tips on winning work via social media.

bto solicitors supports "Stretched Wings Towards the South"

On 26 November, at The National Library of Scotland in Edinburgh, **bto** announced the launch of an online exhibition of the flags from the British Antarctic Expedition of 1910-13 led by Captain Robert Falcon Scott - his last expedition to Antarctica.

bto sponsored the build of this new and unique archive which details 55 flags that tell the story of the countries and people that participated - of their 'hardihood, endurance and courage'.

To find out more, visit: http://stretchedwings.com/

Festive Wine Tasting

On 4 December, our construction, commercial and employment teams hosted a wine tasting at the Abode Hotel in Glasgow.

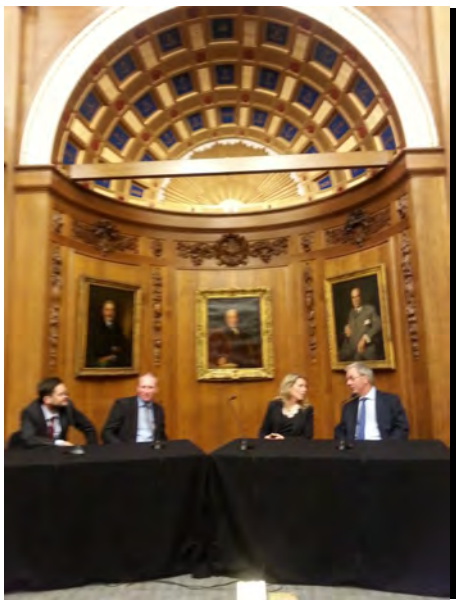
The lucky winner of the blind tasting competition, Robin Gribbon, Manager, Assurance, Ernst & Young LLP is pictured left being presented with his bottle of Moet.

With thanks to everyone for getting into the Christmas spirit and a special thanks to Justin Hoy of The Glasgow Wine School for sharing his extensive knowledge with us.

News & Events

£500,000? Fine! Why Data Protection Matters - **bto Returns to the Fringe**

Two members of **bto**'s specialist Data Protection Defence team, launched earlier this year – associates Laura Irvine and Lindsay Urquhart – appeared on stage at the Edinburgh Festival Fringe on 19 and 20 August to discuss data protection issues for the performing arts industry and how to avoid unnecessary fines.



Strict Liability — Where are we now?

On 29 May, at Lloyd's of London, **bto**, in conjunction with Professor Ragnar Löfstedt, presented a courtroom drama "Strict Liability - Where are we now?" - The impact of Löfstedt and The Enterprise and Regulatory Reform Act: What does it mean for insurers?.

The 'cast' plunged straight into their 'roles' and Mark McCluskie deserves a special mention for his depiction of the ill fated Donnie Grump, a successful Shetland based entrepreneur who relocated to the east coast of Scotland to build a golf resort...

The Claims Event 2014

On 9 October, **bto** was a sponsor of The Claims Event in London. The event was opened by Sir Vivian Ramsey, Royal Courts of Justice, chaired by Jonathan Swift, director of content at Post Magazine and Insurance Age, and guest speakers included representatives from the insurance industry including AXA, Ageas and Armic.

PMAS Annual Conference 2014

bto was a sponsor of the Property Managers' Association Scotland Limited 2014 Annual Conference on 31 October. The conference programme contained a top class line up of presenters on areas which are critical to property managers in their day to day business.

See left, manning **bto**'s exhibition stand: Tom Hepburn of **bto**'s Property team, David Young of our Commercial Litigation and Recoveries teams, Lindsay MacNeill of our Health & Safety team and Jennifer King representing the Employment law team.

Baking & Eating...**for Charity**

Our first charity event for Friends of the Beatson took place on St. Valentine's Day raising a terrific **£1,003.82.**

The charity bake sale has proved very successful over a number of years since our first bake sale for the Eve Appeal back in 2011. Organiser Alison Hepburn puts its popularity down to the fact that everyone gets involved and enjoys the 'rewards'...which explains the morning queues waiting for the bake sales to open!

The bakers' and buyers' enthusiasm spurred us on to organise another charity day on 28 November, including raffles for prizes such as a spa day at Mar Hall which was kindly donated by one of **bto's** partners.

All the **bto** bakers did themselves proud again and this time, we beat our St. Valentine's day total, raising a marvellous **£1562.52** for The Beatson Cancer Charity. A big thank you to everyone who took part, especially the cake bakers, the raffle ticket sellers, our raffle prize sponsors and our CSR Committee.

Beatson cancer charity
Determined to beat cancer

bto Fundraising Success at the Edinburgh Marathon Festival

Eleven **bto** runners took part in the Edinburgh Marathon Festival (EMF) on 25 May 2014, raising funds for Beatson Cancer Charity. We had teams from the Glasgow and Edinburgh offices running the EMF Hairy Haggis Team Relay and three individual runners taking part in the EMF Half Marathon.

Well done to all who, despite some atrocious weather conditions, completed the race and exceeded their fund raising target. The team managed to raise £1906 in donations and £457.50 in gift aided donations, making a grand total of funds for the Beatson Cancer Charity of **£2363.50**. A fabulous effort by all involved.

Watch out for...

Employment Law Seminars

The Spring 2015 seminar programme will be issued in January 2015.

bto events so far...

Click on the event titles below to find out more details and book your place. There is no attendance charge.

05/02/15: **Good Practice in Dealing with Construction Claims**

05/03/15: **Update on Psychiatric Claims**

23/04/15: **Health & Safety Law Update**

14/05/15: **Contribution Best Practice for Preserving Rights of Recovery**

More events will be added to our website in due course...

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