



Legal Expertise for the Motor Industry



Motor Industry Legal Services
MILS Solicitors



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MILS saves Landrover dealer £38,000...

We defended a claim involving an alleged defective Landover Freelander, securing a large costs payment for our Client (a franchised Landrover dealer).

The customer claimed that the vehicle was of unsatisfactory quality, unfit for purpose and not a capable off-road vehicle. The claims were dismissed after 3 days of legal argument before a High Court Judge. Client received £16,000 and saved legal fees of £22,000.

Expert legal representation for a flat annual fee



Introduction

Established in 1992, Motor Industry Legal Services (MILS Solicitors) provides fully comprehensive legal advice and representation to UK motor retailers for one annual fee. It is the only law firm in the UK which specialises in motor trade law.

- Full annual cost control - no hourly rates
- Immediate legal protection
- Direct access to specialist motor industry Solicitors and Barristers
- Unlimited annual usage
- Same day legal advice
- Face-to-face meetings
- Conduct of the legal case and representation at trial by barristers within the annual fee



How we operate

Direct access to Barristers

MILS is unique among UK law firms in that it enables motor industry clients to deal directly with barristers on any legal matter from its outset.

In so doing, MILS has turned the traditional legal model on its head; under the old system, when clients access legal services they often descend quickly into a cost spiral of hourly rates to solicitors, many of whom are less than expert in industry legislation and practice. Solicitors will instruct even more expensive barristers if the dispute either becomes too difficult, or where there is a need to go to trial.

At MILS the client pays a one off fixed annual fee which allows the client to access his lawyers when ever he wants at no extra cost. The concept of hourly rates and the consequent cost uncertainty of litigation is therefore avoided.

Further, the client is appointed a barrister at the beginning of a twelve month period and it is he who advises the client and is in charge of any cases throughout, up to and including trial. In this respect our solicitors provide a support function to the barrister, who is directly involved throughout the dispute.

No other UK law firm currently provides such an efficient system. Indeed, MILS is considered to be at the very cutting edge of legal services, in that it affords clients with invaluable continuity throughout a dispute, within a fixed cost.

Misrepresentation case thrown out of court

A MILS Client was awarded £7.3k after a customer alleged that the Dealership had misrepresented the specification of a vehicle sold to him.

Our client totally refuted these claims and relied on the written order form signed by the customer. The case proceeded to a County Court where the claim was dismissed and a Judge found for our Client awarding them costs. Client received £7,300 and saved legal fees of £9,000.



Unlimited annual usage

Since no legal costs are incurred by MILS clients over and above the annual retainer fee, clients are able to maintain budgetary control against costs which, particularly in litigation, would otherwise remain among their highest liabilities.

Further, since there is no limit set on annual usage and clients are able to consult their lawyers as much as they wish, a more proactive service is possible than would be available through any other relationship since, again uniquely among UK law firms, MILS is as concerned with the prevention of legal problems as it is in their cure. In line with this, since clients are covered against all legal eventualities, including the expense of becoming embroiled in litigation, the system is designed to provide clients with the ability to 'face off' particularly vexatious litigants.

Immediate response

Clients are appointed a team of lawyers, headed by a barrister, who are available on a daily basis to answer all enquiries. MILS operates a same day service which means that we will respond on the same day to any advice sought and/or correspond with the other side's solicitors and/or customers on the same day. Clients are also able to meet with their barristers in chambers or at their offices.

Cost containment

Importantly, if a matter becomes litigious, clients' lawyers will conduct the case from beginning to end, all within the annual fee. This includes the battle of letters between solicitors, preparation of the case for trial and representation at the trial itself. The package is therefore designed to ensure that clients are able to litigate in Employment Tribunals, Magistrates Courts and County Courts without the concern of escalating legal fees.



The MILS legal package

The following services are included in the annual fee

Our legal 'package' is designed to encompass all clients' non contentious commercial legal requirements across the year and all employment and commercial related disputes in relation to motor industry law.

Clients are covered in all areas of employment law and commercial related disputes (i.e. all areas of sale of goods and services, disputes involving consumer credit and leasing and disputes involving dealer agreements and

manufacturers' liability). Clients usage is not 'capped' either in contentious or non contentious areas.

We enable clients to deal with any customer dispute as well as other commercial or corporate matters that may arise and respond on the same day to any advice sought.

The following areas of law are covered in our full motor legal protection package, further details are available on our website (www.MILS.co.uk).

Agency Law

Agency & trusts | Agency & bailment
Agency & sale | Agency & representation | Agency, servants & independent contractors | Agency created by contract | Agency by ratification | Agency by estoppel
Doctrine of apparent authority
Agency by operation of law | Agency of necessity | Obligations of agency
Liability of agent to principal | Liability of agent to third parties | Liability of principal for acts agent | Effects of agency | Termination of agency

Consumer Credit and Leasing

Formal requirements of the agreement
Copies of agreement | Rights of cancellation | Terms implied into contract of hire | Restrictions on exemption clauses and other express terms | Terms in favour of the hirer | Terms in favour of the owner | Variation and novation
Termination of hire agreement | Owner's remedies for breach | Forfeiture
Penalties and damages on termination

Recovery of leased goods | Effect of wrongful dealings on owner's title
Relations between hirer and dealer
Relations between finance house and dealer | Recourse agreements
Conversion | Quality of goods hired
EEC regulations and directives
Consumer credit advertisements
Quotations | Canvassing

Dealer Agreements

Precontractual negotiations
Warranties and misrepresentation
Representations made to induce
Representations made without authority | Legal significance of precontractual enquiries | Breach
Effect of breach | Fundamental breach
Breach of warranty | Terms of the agreement | Incorporation of terms
Exclusion & variation of terms
Provision for disputes | Provision for termination | Provision for variation
Warranty work | Effect of domestic legislation on dealer agreements
Block exemption & EEC requirements

Employment Law

Individual contracts of employment
Rights and obligations of employer and employee | Maternity rights
Continuity of employment | Statutory protection | Termination of employment
Wrongful dismissal | Dismissal for capability | Dismissal for misconduct
Dismissal for statutory contravention
Dismissal for a 'substantial reason'
Constructive dismissal | Unfair dismissal | Variation of contract
Fundamental breach of contract
Business reorganisation | Transfer of undertakings | Equal pay | Sexual discrimination | Racial discrimination
Obligations created by domestic and European case law

Manufacturers Liability

Manufacturers liability to the retailer
Exclusion of liability | The test of 'reasonableness' | Manufacturers liability to the customer | Negligence
Strict liability | Defective products

Period of liability | Definition of 'product' | Liability of supplier unable to identify manufacturer
Manufacturers warranty | Legal status of manufacturers warranty | Terms of warranty | Legislation governing warranty | EEC requirements
'Inter contractual' disputes between manufacturer, retailer & consumer

Negligence and the Law of Tort

Duty of care | Liability for negligent misstatement | Standard of care
Proof of negligence | 'Res ipsa loquitur' | Contributory negligence
Breach of statutory duty | Defences
Liability for dangerous property
Occupier's liability | Occupier's liability to trespassers | Vicarious liability
Liability for default of employees
Liability for subcontractors & agents
Remedies | Damages | Remoteness of damage | Causation | Pure economic loss

Restitution

Restitution & unjust enrichment
Enrichment at the expense of the plaintiff | Conferring benefit | Benefit conferred without permission
'Reasonable' benefit | Restitution & 'quasi contract' | Restitution & tort
Measures of recovery | Mistake
Requirement of total failure | Free acceptance | Defences | Defence of estoppel | Defence of change of position | Counter restitution impossible | Illegality | Incapacity
Bona fide purchaser

Sale of Goods

Offer and acceptance | Formalities of contract | Mistake | Obligations of the seller | Effect of statutory implied terms | Duty to pass good title | Duty to supply goods of satisfactory quality
Duty to supply goods at particular time | Duty to supply goods fit for communicated purpose | Exclusion of seller's liability | Apportionment of risk and liability between the parties
Transfer of title by non-owner
Estoppel | Sale by agent | Sale by mercantile agent | Special powers of sale | Sale in market overt
Voidable title sales | Sale by 'buyer in possession'
Protection for third party buyers
Seller's rights and powers against goods | Unpaid sellers lien | Unpaid sellers right of resale | Reservation of title clauses | Breach of contract
Breach of warranty | Breach of express condition | Breach of statutory implied term | Action for price of goods
Action for damages | Buyers right to reject | 'Acceptance'

The Supply of Goods and Services

Contracts for recovery | Contracts for repair | Contracts for servicing
Implied terms governing quality of goods supplied in course of service
Implied terms for governing standard of service supplied | Liability for standards of workmanship | Legal significance of estimates and quotations | Care of customer's property | Liability for damage or loss during bailment | Termination of bailment | Customer's liability for bailment costs | Recovery of storage

charges | Disposal of uncollected property | Subcontracting | Liability for work carried out by subcontractor
Exclusion clauses | Repairers lien
Provision of other services | Car washes | Garaging and storage | Non-contractual services | EEC regulations and directives

Trade Descriptions

'Clocking' offences | False or misleading descriptions applied to goods | Description of quantity
Description of method of manufacture
Description of composition
Description of fitness for purpose
Description of testing or approval
Description of place of manufacture
Description of history and past ownership | Liability of company and employee | Descriptions made in course of trade or business
Application of trade descriptions
'Material' trade descriptions | Oral descriptions | False statements about services | Statements made 'knowingly' or 'recklessly' | Statements about provision of services | Statements about nature of services
Statements about timing of services or persons involved | Statements about subsequent examination or approval of services | Defences | Defence due to mistake or reliance | Defence due to default of another | Defence 'of all reasonable precautions and due diligence' | Penalties
Compensation orders | Mitigation in Trading Standards disputes | Advertisement and sales literature
Handbooks

The fixed annual fee

Open ended Legal Advice and Protection for one modest fee per annum per operating site

Upon payment of the annual fee MILS clients are provided with direct access to appointed specialist barristers and solicitors from the outset of any requirement, with unlimited legal protection and support on all day to day matters and no additional legal costs should a case go to trial.

With no limit set on annual usage, clients are able to consult their appointed motor industry lawyers as much as they wish by telephone, fax or e-mail, or indeed through conference in chambers.

Since no additional legal costs are incurred over and above the annual retainer fee, clients have complete peace of mind and can defend or institute claims. Whatever dispute may arise, motor trade clients have the unique ability to maintain budgetary control against soaring costs, particularly in litigation, which would otherwise remain amongst their highest liabilities.

For details on the fixed annual fee contact:

Adam Cox, Managing Director

Tel: 020 7244 6790

E-mail: acox@mils.co.uk

Warranty company pays out in excess of £27,000

A claim brought by our Client against a warranty company at Court for unpaid warranty claims resulted in a successful settlement.

Client received £20,000 settlement and saved legal fees of £7-8,000.

Fixed fees for other legal services

Intellectual property, commercial property and mergers and acquisitions

MILS covers three areas of law outside the motor industry 'package' - intellectual property, commercial property and mergers and acquisitions.

Although legal advice in these three areas is not contained within the one annual fee, we are able to conduct legal advice on a fixed fee basis. This means we negotiate a one off fixed fee to conduct the work required.

By offering a fixed fee legal service in these areas clients have the reassurance that they know exactly what their legal costs are, rather than paying an hourly rate.

For further details contact Mr C Baylis, Head of the Commercial Barristers team at cbaylis@mils.co.uk

Intellectual Property

Intellectual Property is concerned with the protection conferred by law on intellectual creative effort, commercial reputation and goodwill.

We have considerable expertise in all aspects of the following areas of intellectual property practice: whether protection is technically available in a given situation; business agreements for the exploitation of intellectual property rights; and remedies where infringements of intellectual property rights are perceived to have arisen.

Confidentiality / Trade Secrets | Copyright | Counterfeiting
Database Rights | Data Protection | Design Rights
Defamation | Domain Names/Cybersquatting
Employee IP matters | Passing Off | Restraint of Trade
Technology Licensing | Trade Marks/Service Marks
Information Technology & Electronic Communications

Bespoke Software | E-Commerce | Hardware Procurement and Maintenance | Internet Law | Outsourcing

For further details contact Mr C Baylis, Head of the Commercial Barristers team at cbaylis@mils.co.uk

Commercial Property Law

Commercial landlord and tenant law changes rapidly and property issues can be of significant importance when running a motor dealership. Our Commercial Landlord and Tenant expertise includes:

Service charges | Dilapidations | Forfeiture | Renewal Consents | Landlord and Tenant Agreement

For further details contact Mr C Baylis, Head of the Commercial Barristers team at cbaylis@mils.co.uk

Mergers and Acquisitions

The motor industry is an industry which has over the last few years been subject to dramatic change. Many of our clients are involved in mergers and acquisitions at any one time. We offer general advice in all aspects of mergers and acquisitions including sale and asset purchases as well as the sale and purchase of shares in companies. Such advice also includes, where necessary, advice on taxation issues. We also have a dedicated mergers and acquisitions team which will conduct any proposed merger and acquisition.

For further details contact Mr C Baylis, Head of the Commercial Barristers team at cbaylis@mils.co.uk

The legal team

Our Lawyers and Barristers Chambers

Managing Director, Adam Cox BA (Hons) Exon



Adam formed MILS in 1992. He is responsible for client/lawyer liaison, ensuring the provision of best value service from barristers and solicitors at the forefront of motor industry legislation and practice.

He has valuable insight both into the broader efficiencies of current legal institutions and into their application within the continually developing motor sector. Through this experience, and often in alliance with other representative trade bodies, he has worked to ensure that MILS is actively involved in industry wide issues, particularly regarding group level dealer/manufacturer relationships and the public profiling of specific industry related customer/employee issues.

Our lawyers

MILS lawyers are divided into three departments: Commercial Barristers, Commercial Solicitors and Employment.

Head of Legal Department and Commercial Barristers Team, Christopher Baylis - Barrister - BA (Hons) LLM MTH MPhil MBA (Trinity Hall) Cambridge University



Christopher is a Barrister and since 1986 he has specialised in motor law. He is widely recognised in the retail motor industry as the leading authority on motor industry law and currently represents and advises the majority of motor retailers within the United Kingdom. He conducts litigation on a regular basis on behalf of motor clients in the county court, and high court involving litigation on all aspects of motor law, in particular sale of goods, contract law, leasing agreements and finance agreements.

Head of Commercial Solicitors, Andrew Reeves - Solicitor LLB (Hons) Bsc



Andrew has spent over 15 years advising motor retailers on all aspects of motor law. He is a recognised expert in consumer law, dealer agreements, competition law, trading standards and intellectual property and has considerable experience of commercial litigation in the High Court and County Court, as well as cases in the Magistrates Courts and Alternative Dispute Resolution.

Head of Employment, Henry Knill – Solicitor MA (Robinson College) Cambridge University



Henry provides proactive commercial advice to the motor industry on all aspects of employment law, from the day-to-day management issues such as performance, equal pay, maternity, sickness, wrongful dismissal, unfair dismissal, discrimination claims and disciplinary hearings through to attendance at tribunal hearings. As well as drafting a variety of employment related documentation, Henry provides strategic advice on restructures, sales and mergers and negotiating exit packages.

Barristers chambers

It is the responsibility of individual Heads of Departments to appoint the Barristers they decide are most suited to assist and/or to conduct cases on behalf of clients. In all cases Department Heads have ultimate responsibility for cases. We instruct the following Barristers Chambers:

Hardwicke Chambers	Kings Bench Walk Chambers
Hardwicke Building	13 Kings Bench Walk
New Square, Lincolns Inn	Temple
London W2CA 3SB	London EC4Y 7EN



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Exeter Office:

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Canonteign House
Lower Ashton
Nr Exeter
Devon · EX6 7RH

Tel: 020 7244 6790

Fax: 020 7244 7139

Website: www.mils.co.uk

E-mail: legal@mils.co.uk

Office Hours:

Monday to Friday, 9am – 5.30pm

For further information and our current client list, please visit our website www.mils.co.uk

For information on joining MILS please contact:

Adam Cox, Managing Director

Tel: 020 7244 6790

E-mail: acox@mils.co.uk

UK commercial vehicle distributor saves thousands

MILS have recently settled a claim for breach of contract and unpaid wages that involved complex issues relating to the contractual terms of a departing employee and the payments he alleged were owed.

Our lawyers negotiated a good commercial settlement saving one of the most successful commercial vehicle distributors in the United Kingdom, the time and expense involved in further Tribunal proceedings.

PLC Motor Company defends personal injury claim, saving thousands

A woman, who alleged that she had suffered personal injury when her seatbelt had failed because of works our client had carried out to her vehicle, has had her case struck out of Court for lack of causation.

Our client denied working in the area of the seatbelt concerned, and the claim was dismissed.

Saved Legal Fee's of approx £11-12,000.