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Football Agents:  
Fundamental Principles and Duties  
Tim Vollans

# Football Agents: Fundamental Principles and Duties

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## Football Agents: Fundamental Principles and Duties

Sam Goldwyn said “a verbal contract isn’t worth the paper it’s written on”

- evidential difficulties
- in business, trustworthiness is more important than a mere piece of paper

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- Certain relationships are special & operate only on trust
- *Imageview Management Ltd v. Kelvin Jack* [2009] EWCA Civ 63 (Court of Appeal)

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- “Only one regret, and that is that it is still necessary, in the 21<sup>st</sup> century, to remind agents of what was said ... about conflicts of duty and interest and the necessity for transparency in the dealings of agents, if confidence in them is to continue.”

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- An agent is expected to behave in a manner reflecting respect for the commercial power to commit the principal which the agency has entrusted to him.
- obligations can be displaced by agreement between the principal and the agent.
- BUT contra proferentem

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- In *Boston Deep Sea Fishing and Ice Co. v. Ansell*, the M D secretly agreed with the shipbuilders to receive a commission for ordering vessels for his company.
- “He puts himself in such a position that he has a temptation not faithfully to perform his duty to his employer.”

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Remedies:

- terminate the contract with the third party;
- dismiss agent (without either or both of notice and compensation);
- claim the amount of the commission; and,
- refuse to pay for the agent's services rendered and recover monies already paid

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*Imageview v. Jack*

- Club agreed to pay Imageview £3,000 to secure the relevant work permit (which it did).
- Imageview / Mr Berry failed to disclose this
- Work to secure the permit was worth £750
- No finding that Mr Jack was financially disadvantaged by this “secret deal” payment’.

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- The test:
  - NOT actual loss, but
  - a realistic possibility of a conflict of interest.
- Court had found that it was possible that the more Imageview got for itself, the less there could be for Mr Jack.
- ‘Sunlight is, after all, the best of disinfectants’

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- Sam Goldwyn's "verbal contract isn't worth the paper it's written on"
- But an agency contract is worth more!
- Avoid recrimination - disclose

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Any questions?

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