Football Agents:
Fundamental Principles and Duties
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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
Football Agents: Fundamental Principles and Duties

• Certain relationships are special & operate only on trust

• *Imageview Management Ltd v. Kelvin Jack* [2009] EWCA Civ 63 (Court of Appeal)
Football Agents: 
Fundamental Principles and Duties

• “Only one regret, and that is that it is still necessary, in the 21st 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.
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’
Football Agents:
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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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