

**Tax for Entertainers & Sports
People**

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Adrian is a highly regarded advisor with broad experience across a range of sectors and businesses. He has particular expertise in large corporate transactions and restructuring, land development, trusts, and estates, especially intangibles, as well as celebrity and HINWI tax and cross-border matters.

Adrian has had a varied career in tax as a partner in two City law firms, a tenant for many years at Pump Court Tax Chambers, and an academic at Oxford and Professor of Business Law at King's College, London. For 13 years he was a judge of the First Tier Tax Tribunal and of the Upper Tier Tribunal (Tax and Chancery Chamber).

He is adept at advising on financial, tax and compliance matters, underpinned with shrewd commercial understanding through extensive work with private, public and third sectors. He is often used for innovative solutions to one-off problems.

Adrian is the author of numerous books publications on tax and related matters and has lectured extensively both on tax and other issues.

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Julian was called to the Bar in 1995 and he has been a partner with major City and West End solicitors' practices. During the course of Julian's practice in tax (advisory covering all the principal taxes, enquiries and disputes work) he has developed a wide-ranging knowledge of company, partnership, intellectual property, trusts and insolvency law. This enables him to advise clients with a good appreciation of the wider issues relevant to them.

Recent cases:

- *Hopscotch Ltd v HMRC* [2020] UT, ATED / property development relief / whether trade
- *Kevin McCabe v HMRC* [2020] disclosure application viz HMRC / MAP documents, Art.25 UK/Belgium DTA
- *Development Securities v HMRC* [2017] FtT (CT residence), UT appeal allowed / CA appeal
- *Turners (Soham) Ltd v HMRC*: tax treatment of expenditure on trucks in business accounts / deduction under Renewals Allowance / interaction capital allowances
- *Pulsin' Ltd v HMRC*: VAT treatment of fruit and nut bars
- *X, Y, Z* : criminal prosecution
- *Divisional Court (subject to reporting restrictions): committal proceedings*
- *National Federation of Occupational Pensioners* [2017] FtT (VAT / unincorporated association / person for VATA)

Highlights

- *Understand the practical impact through a case study of*
- Tax and the events in the lives of a footballer and a model/film actress. These are all things I have had to deal with in practice.
- Including
 - their journey to a family brand
 - “tick the box” companies and *Anson*
 - Form 16 contract and Image Rights, Appearances etc.
 - *Hull City AFC (Tigers) Limited v HMRC 2019*
 - Perfume, lingerie design, merchandising and the development of branding
 - PE, FEU, s 720
 - Testimonials
 - Californian Living or Revocable Trust
 - Temporary non residence
 - Pensions and family planning
 - World foundation and wills

Overview

- *Drill down into:*
 - Tax effects of arrangements for Entertainers and Sportspersons
 - Effects of an unexpected changes of plan and what may seem sensible in
 - one country and the impact of the Artistic temperament
 - Double Tax Treaties, FTC's etc.

1 ARTISTRY, WIZARDY AND TAX?

2

3 Jude Fawley is a football star who started off with Casterbridge Town FC and made
4 it to the big time in Spain, Germany, and England.

5 He was adopted by parents who were domiciled in Ruritania at the time of his
6 adoption. His natural parents were British through and through.

7 He became romantically involved with Arabella Donn, an American model, actress
8 and entrepreneur. She is a US citizen borne in California

9 Arabella travelled the world on various assignments including in the UK for her
10 modelling and filming.

11 She makes films at Pinewood and Twickenham studios. She has a Winnebago on
12 set. She works mainly through loan out companies but not always. These are “tick
13 the box” entities in the main.

14 Jude signs for Sandbourne United in England and they set up home in the UK.

15 Arabella’s US companies receive large sums whilst they are in the UK. US tax is
16 paid. One of the tick the box companies is a Delaware LLC with special bylaws,
17 the others are Californian corporations with the usual by laws.

18 Before coming back to the UK from Spain Jude registers his image rights in
19 Guernsey and sets up a structure through Malta to manage these. He then signs a
20 contract substantially in the form of the Premier League Form 16.

21 He is paid the usual footballer’s salary and also for the use of his images and
22 appearances separately.

23 “Jubella” try to set up a brand for themselves and start selling fragrances under
24 the trademark “Jubella”. They also sell clothing and other merchandise.

25 Arabella signs a deal for a lingerie line for which she is the designer and main
model.

26 Jude decides that he wishes to try his hand in films. They move to LA and
27 acquire property and put their assets into a “living trust”. Jude and Arabella
28 have a big bust up after four years and he storms back to the UK leaving the
29 trust and various companies in the US being run by his business agent.
30 There is a reconciliation and they start living between London, LA, and
Tuscany.

31 Arabella receives a non-returnable advance for a “retro-album” which bombs.

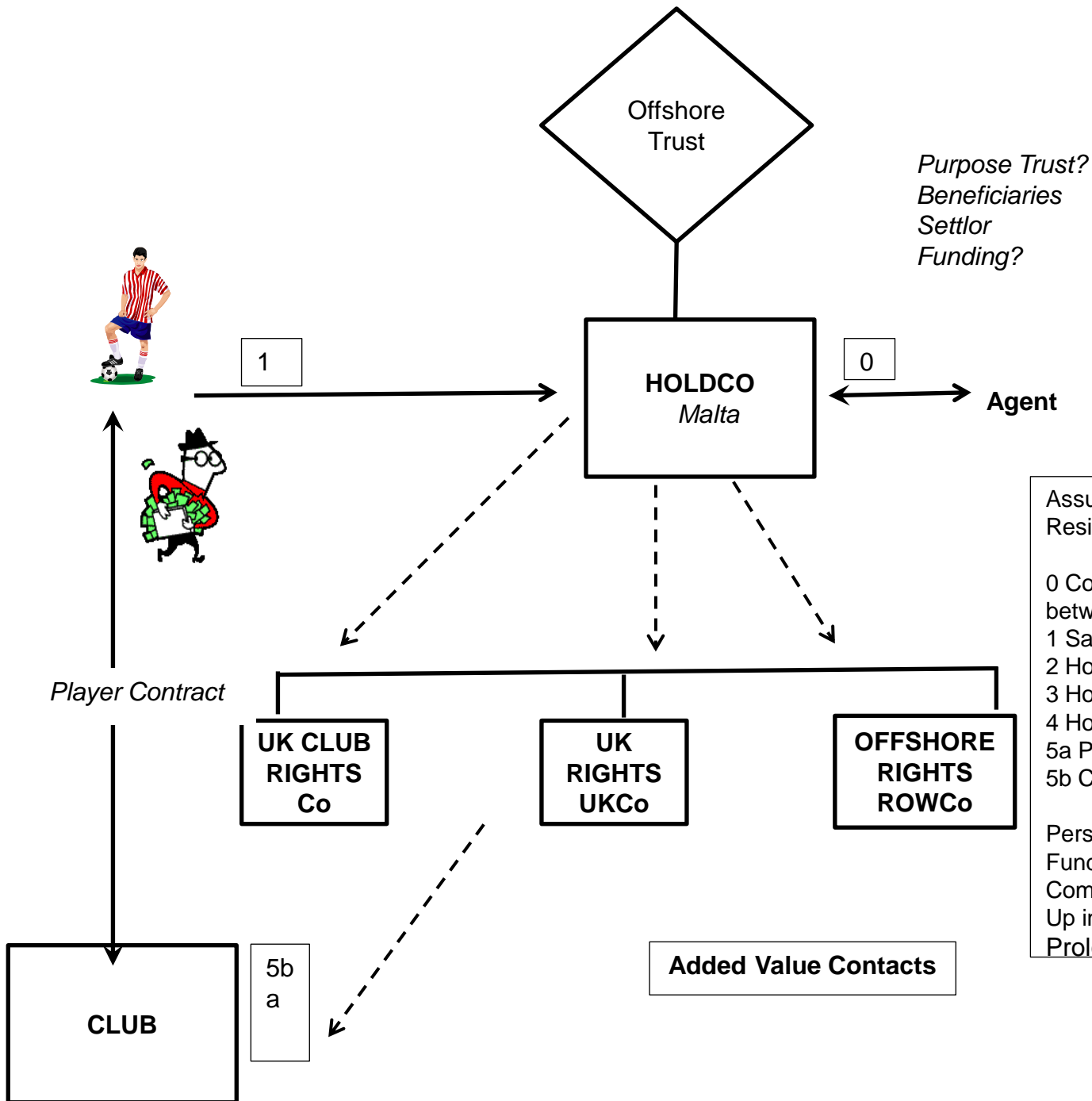
32 The Jubella brand picks up and eventually becomes successful and profitable.

33 They wish to provide for their children and have put money into various
pensions.

34 They have various trusts in various parts of the World they have mainly
35 forgotten about and have been badly run. There are no real accounts.

36 They decide to set up a foundation to save the World which is in part
revocable.

37 They have made Italian wills.



Assume Well known Non-Dom Non Resident Player with Agent
Company and trust exist
0 Consultancy Arrangement between HoldCo and Agent
1 Sale of Rights to HoldCo
2 HoldCo to CCo UK Club Rights
3 HoldCo to UKCo UK Rights
4 HoldCo to ROWCo ROW Rights
5a Player Contract
5b CCo to Club UK Club Rights

Personal Appearances?
Funding?
Commercial Benefit? Not tax driven
Up income
Prolong exploitation

Questions





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