



Top Gear – Clarkson drives coach and horses through non-compete?

Rumour has it that the Top Gear trio of Jeremy Clarkson, Richard Hammond and James May are planning to present a new car show to be shown on ITV but that the plans are being scuppered by a non-compete clause in Clarkson's old contract with the BBC.

It is said that there is a clause in the contract with the BBC that prevents the three presenters from presenting a new car show for a rival terrestrial broadcaster for two years.

However, press reports are that Clarkson et al believe that they can “get around” the clauses. One way to do this might be for them to work outside of the UK for relatively new streaming services like Netflix, which could then sell the programme on to terrestrial channels in the UK (including ITV).

To be enforceable restrictive covenants must be reasonable at the point that they are entered into and cannot go further than is reasonably needed to protect the company's legitimate business interests, such as confidentiality or good will.

Because the individual's role or (as in this case) the industry may change over time, this latest instalment of the Clarkson / Top Gear story highlights the importance of reviewing covenants periodically to check that they continue to protect the business going forwards. In any case, it seems that this saga is likely to keep running for some time.