A senior barrister, highly regarded for his leading practice defending those accused of professional misconduct, especially barristers before BTAS, solicitors at the SDT and lawyers generally before the Legal Ombudsman. He was recently described on BBC Radio 4’s Today programme as, “The Barrister’s Barrister.” Combining a strong and courageous court presence, immaculate written advocacy, esoteric analysis and a devastating cross-examination technique, Marc has achieved some superb results in a field of practice where the success rate is notoriously low.

Marc also represents those accused before the disciplinary tribunals of the CILEX, GMC, GDC, NMC, RCVS, FCA, ICAEW, RICS, ARB & OISC. He conducts statutory appeals to the High Court, Court of Appeal and the Supreme Court and is a specialist in judicial review claims against all regulatory bodies.

A unifying theme of Marc’s cases is his passionate insistence on due process as the irreducible right of anyone accused of anything.

Overlapping areas of work are financial services, sports law & discipline, professional negligence claims, partnership disputes, boardroom disputes and aspects of costs law, including wasted costs applications against solicitors and barristers.

Marc’s expertise as a UK lawyer admitted to the New York Bar extends into Chambers’ developing areas of civil fraud, asset freezing & recovery, international and UK commercial litigation and ADR (both Arbitration & Mediation).

Marc's skill-set as a defence advocate in professional disciplinary work transfers into areas of criminal regulation such as defending charges under the insolvency legislation, directors’ disqualification, trade descriptions, health & safety, environmental protection and animal welfare.

Marc will advise and act alone or as part of a Chambers’ defence team in cases concerning SFO investigations, mortgage, tax, investment and insurance fraud, LIBOR rigging and bribery, international mutual assistance, extradition and money laundering.

Marc was the architect in 2000 of the original scheme of direct access to the Bar. Since 2004, he has become a recognised pioneer of and innovator in the field of direct access to the Bar and has built the leading on-line barrister direct access practice in England & Wales. But despite being known as “Mr Direct Access,” Marc works closely with UK and international law firms and other instructing entities. He is now authorised to conduct litigation in his own right.

“Marc Beaumont is a man of exceptional talent. His skills, expertise and professionalism were put to effective use recently when the BSB decided to bring a charge against me which had very serious ramifications – both professionally and personally. The charge followed a complaint made against me which was inherently wrong and malicious. The charge should never have been made but it proved to be impossible to have it amended or withdrawn until Marc Beaumont was instructed. As soon as he was engaged the complexities of the case and
issues arising were addressed and a plan of action immediately put in place. Within a very short period of time thereafter the charge was withdrawn." (Senior barrister client)

“I really felt that my career was in serious jeopardy until I turned to Marc for help. I thought I was probably small fry compared to some of the people/organisations he has represented. However, he treated me with the utmost dignity and was what I would describe as quietly ruthless when dealing with my regulatory body. I would not recommend to anybody facing a tribunal for the first time to go unrepresented and what was to me a stressful experience was meat and drink to him. He got me the result that he promised and was worth every penny!” (Solicitor client at the SDT)

“I would like you to know that whatever the outcome you are my hero and champion. I will never forget your kindness and genuine interest in my matter….Thank you for your continued tireless and ingenious thought-processes…”

Recent work includes:-

(1) Acting on appeal for several of the barristers in the landmark judicial review litigation arising from the defective appointments of disciplinary panels in barrister disciplinary cases between 2006 and 2012;
(2) Advising and acting in a continuing, high profile series of BSB prosecutions against a leading barrister relating to events over 10 years ago;
(3) Successfully representing an ILEX member before the Court of Appeal in a leading case which expanded the law of bias;
(4) Successfully defending before the NMC a senior nurse accused of neglecting a dying patient in a care home when the BUPA nurse/patient ratio was at danger level;
(5) Successfully procuring the recusal of an entire disciplinary panel at the NMC for pre-determination and apparent bias;
(6) Successfully defending a Doctor at the GMC accused of trying to borrow money from a patient.
(7) Successfully defending a barrister accused by the BSB of not cooperating with the Legal Ombudsman;
(8) Successfully defending a senior barrister accused of misleading the BSB;
(9) Successfully negotiating a favourable plea bargain against the BSB on behalf of a barrister and Football Association agent;
(10) Successfully appealing to the Visitors to the Inns of Court on behalf of a barrister accused of conducting litigation by signing a statement of truth;
(11) Successfully appealing to the Visitors to the Inns of Court on behalf of a barrister convicted without sufficient reasons being given;
(12) Successfully striking out all BSB charges of “holding out” against a barrister, as well as the amended charges;
(13) Successfully striking out a BSB charge of improper advertising against a barrister;
(14) Successfully resisting a BSB allegation that a barrister conducted litigation through the agency of his clerk;
(15) Successfully defending an architect at the trial of a professional negligence claim before the Technology & Construction Court.

Education

Haberdashers’ Aske’s School, Elstree,

University of Manchester LLB, 1981-1984

Inns of Court School of Law, 1984-1985
Mediator accredited at London School of Psychotherapy & Counselling, 2004
MCI Arb. Chartered Institute of Arbitrators, 2013
Admitted to the New York Bar as Foreign Legal Consultant, 2013
Regular lectures, seminars and articles on professional disciplinary law.

Appointments
Current UK Co-Chair of New York State Bar Association, International Section
New York State Bar Association, International Section, Executive Committee
Former Vice-Chair Bar Council, Access to the Bar Committee
Former, inaugural Chairman, Public Access Bar Association
Lifetime President, Public Access Bar Association
4, 3-year terms as an elected Member of the Bar Council
Bar Council International Business Development Committee

Memberships
Association of Regulatory and Disciplinary Lawyers
South Eastern Circuit
American Bar Association, Section of International Law
New York State Bar Association
New York International Arbitration Center, founding member
London Court of International Arbitration
Society of English and American Lawyers

Regulatory & Disciplinary Proceedings
Barristers:

BSB v XY (2014) May
(successful defence of barrister at trial at BTAS Disciplinary Tribunal; allegations against client dismissed).

R (Rosemarine) v Legal Ombudsman [2014] EWHC 601 (Admin; Manchester)
(Judicial Review against the Legal Ombudsman; whether consideration of a fresh complaint outside of LeO jurisdiction by virtue of s. 126 of the Legal Services Act 2007; bias)
Bar Standards Board v J [2013] Nov; BTAS Disciplinary Tribunal
(Marc Beaumont’s application for further & better particulars of charges; BSB unable to answer; prosecution dropped against very senior member of the Bar).

Bar Standards Board v S [2013] Nov; Spencer J.
(exoneration of barrister by Legal Ombudsman; same charge then made by BSB; whether cause of action estoppel / res judicata / abuse of process).

Bar Standards Board v X [2013] Nov
(allegations against barrister of sexual harassment and discrimination against pupil; dropped after plea bargain)

Bar Standards Board v M [2013] October
(Marc Beaumont drafted detailed response to complaints to BSB about barrister; all allegations dismissed)

(judicial review arising from failures of due process in the Bar's disciplinary arrangements discovered by a report by COIC in 2012; time expired disciplinary judges – whether a tribunal “established by law” under ECHR Art. 6 and Art. 47 of the EU Charter of Fundamental Rights; whether laid down selection process of disciplinary judges had to be followed at all; whether prosecutor could partake in selection process of disciplinary judges; whether a disciplinary judge could properly receive an undisclosed salary from the prosecutor; whether logjam in Visitorial appeals process caused unlawful delay; whether proper Art. 6 security of tenure when BSB sits on committee (COIC) with the power to remove disciplinary judges from the “pool” at will; whether “discreditable” conduct should be defined).

Russell v Bar Standards Board Number 2 [2013] 23rd May, Visitors to the Inns of Court
(correct test for Barrister appeals; whether outside the ex improviso rule, prosecutor may call evidence after prosecution and defence case closed; use of debarring orders against prosecutor; whether tribunal may “enter the arena” and strongly request the attendance of a prosecution witness; whether BSB has power to summons witnesses; whether prosecutor may communicate with disciplinary judge behind the back of the defence; whether such communication redolent of actual bias of judge where judge wishes prosecutor good luck on appeal; whether apparent bias doctrine can be engaged by post-trial conduct of judge; legal effect of serving BSB prosecutions department officer being 1 of 4 appointing members of the COIC “Tribunals Appointments Body” (TAB); whether TAB ultra vires the Bar’s Constitutions; whether open-ended power of removal of member of COIC pool without cause, unlawful given position of BSB Chair and senior staff on COIC; whether ECHR Article 6 guarantees against pressure on disciplinary judges to conform with a prosecutorial mentality; whether disciplinary judges Art. 6 “independent” within Findlay v United Kingdom given key role of BSB prosecutions department in appointing disciplinary judges; serious non-disclosure by BSB of notes of secret meeting between BSB and disciplinary judge until day before appeal and despite requests and application for disclosure by defence)

R v Bar Standards Board [2013] Lawtel, 6th August, Visitors to Inns of Court
(Meeting of “discreditable” conduct where loan not repaid by Barrister)

XH v Bar Standards Board [2013] February; BTAS Review panel,
(Order for disclosure of full sponsor report for use at disciplinary trial)

Q v Bar Standards Board [2013] Lawtel 6th March; Visitors to the Inns of Court (Williams J and 2 others)
(Trial panel convicted Barrister and suspended her, but gave no oral or written reasons for decision; appeal allowed; appeal costs against BSB)

Bar Standards Board v O [2012] November
(Serious allegations against Barrister with Football Association licence; plea bargain; serious allegations
dropped; pleas to CPD infringements; advised as to future conduct).

**Reg (Conlon) v Bar Standards Board** [2012] 11th October 2012, Court of Appeal
(whether the Visitors to the Inns of Court have had the power since 2000 lawfully to sit with non-judge
wingmen; whether decision in Russell v BSB on time expiry correct; whether a Barrister can properly sit as
a disciplinary tribunal member whilst being remunerated by the BSB in another post);

**Bar Standards Board v O’Connor (a Barrister)** [2012] 17th August, Visitors to the Inns of Court (Sir
Andrew Collins and 2 others);
(A successful appeal by Marc Beaumont for a Barrister against 5 findings of professional misconduct;
signing a statement of truth and serving a pleading are not “the conduct of litigation;” meaning of,
“discreditable to a Barrister;” trial panel gave no oral or written reasons for decision, nor did it allow any
closing speech by the defence; gross breaches of natural justice; Chair of trial panel only honorary QC; not
authorised to sit)

(2 sets of BSB proceedings struck out; application for costs; Baxendale-Walker criteria; Costs awarded
against BSB)

**Russell v Bar Standards Board** [2012] The Visitors to the Inns of Court, 12th July.
(Test case; hundreds of Barrister convictions found to have been made by time-expired disciplinary tribunal
members; in this case, disciplinary panel member’s tenure time-expired in breach of clearly laid down COIC
requirements for his appointment; held, Singh J – this does not matter and even if it does, he was a de
facto judge)

**Bar Standards Board v H** [2012] 29th February, Kenneth Parker J.
(Charges having been struck out, BSB applied for permission to amend to add 2 new Charges; application
successfully opposed by Marc Beaumont; No proper investigation of X’s practising status by BSB before
charging him; BSB prosecuted X for not having a practising certificate when he had one and then tried to
amend to prosecute him for holding himself out as a self-employed Barrister when he had the BSB’s prior
permission to do so; Case dismissed; sponsor reports to be disclosed by BSB without any redactions
unless some public interest in non-disclosure)

**Bar Standards Board v AXM a Barrister** [2012] Court of Appeal 9th February.
(Judicial review of BSB decision to prosecute a Barrister; “sponsor” Barrister failed to advise BSB
Complaints Committee of professional context of Barrister’s actions; Committee did not read Barrister’s full
response to complaint before deciding to prosecute him; failure of due process).

**H v Bar Standards Board** [2012] January
(Charge of “holding out” as a Barrister; application by Marc Beaumont to strike out; Charge struck out).

**Leathley v Bar Standards Board** [2012] 20th January.
(Appeal to Visitors to the Inns of Court; BSB, the prosecutor, paying fees and expenses of lay panel
members and supplying them with secret guidance pack; whether lay panel members should be recused
on grounds of apparent bias.)

**Bar Standards Board v AXM (a barrister)** [2011] July
(Whether internal “sponsor reports” about the decision to prosecute a Barrister are disclosable and the
relevant test where the Barrister raises a public law defence).

**Bar Standards Board v B (a barrister)** [2011] February, Wilkie J.
(A TV personality, F, was terminally ill, had no money and was in the throes of divorce. X, a barrister,
provided F with pro bono assistance. F lived in France. Solicitor for Mrs F, reported X to the BSB for acting
without an instructing solicitor on a direct access basis. Long investigation. X advised to admit breach of Code of Conduct. Advice wrong. Adviser overlooked the exculpatory effect of the International Practice Rules, as F lived in France. BSB Charge based on the admission of fault. Marc Beaumont instructed in place of first adviser, formally withdrew the admission and made full written submissions to BSB. Result: Charge withdrawn).

**Bar Standards Board v O** [2010] October
(Guidance from High Court Judge as to BSB providing proper particulars of its Charges).

(Allegation of dishonesty, mitigation, successfully urged suspension rather than disbarment).

**Bar Standards Board v Russell** [2010] March
(Charges of professional misconduct, charges successfully struck out and/or BSB forced to amend to reduce seriousness and breadth).

(Barrister immigration specialist charged by BSB with advertising for immigration work on a direct/public access basis; BSB had in the meantime approved Code of Conduct changes allowing immigration work under the Bar Public Access scheme; written submissions drafted by Marc Beaumont as to this and other issues; on receipt of those submissions, BSB offered no evidence).

**Bar Standards Board v S** [2008] July
(Defended Barrister accused of dishonesty. Internal Chambers dispute. Acquittal).

**P v The General Council of the Bar** [2005] Lawtel
(The case that established that it is unlawful for a Bar Disciplinary Tribunal to include serving members of the PCC – acted pro bono as Junior Counsel at trial)

**Solicitors, Legal Executives, costs draftsmen**

**SRA v S and others** [2014] SDT, February.
(represented leading North London firm at SDT; Solicitors Accounts Rules issues).

**SRA v K** [2013] SDT, Dec
(Partner liable for breaches of Solicitors Accounts Rules on basis of strict liability; plea bargain; small fine)

**Mireskandari v Solicitors Disciplinary Tribunal & Solicitors Regulation Authority** [2012] Administrative Court, 18th May
(SDT has power to grant relief from sanctions)

**F-H v Solicitors Regulation Authority** [2012] Administrative Court, 16th May.
(Alleged breaches of Solicitors Accounts Rules; Solicitor a junior partner with no access to the firm’s Accounts; breaches committed by senior partner; SRA adjudicator held junior partner in breach of SARs due to strict liability; whether rule 6 of the SARs imports a presumption of mens rea; meaning of must “ensure” compliance).

**Solicitors Regulation Authority v Morgan** [2012] April, SDT
(Solicitor’s role in unregulated insurance business).

**Solicitors Regulation Authority v S** [2012] May, SDT
(Solicitor’s role as conveyancer in land banking transactions)
Kaur v ILEX [2011] EWCA Civ 1168 (Ground-breaking decision of the Court of Appeal on the law of apparent bias and automatic disqualification in disciplinary proceedings; Vice President of ILEX unlawfully sat on disciplinary tribunal; Marc Beaumont, (on Public Access), defeated ILEX, (represented by Leading Counsel), securing the reversal of the decision of 4 previous senior Judges).

Association of Law Costs Draftsmen v K [2011] September
(Successful appeal against findings reached in breach of the rules of natural justice; successful challenge to appeal panel constitution, as Chairmen of first instance decision-maker automatically disqualified).

Wilde v Wilsons Solicitors, [2011] April, Manchester County Court
(Costs; Solicitors Act 1974, statute bills, enforceability of invoices, solicitor’s lien over client funds);

(Judicial Review of ILEX appeal tribunal; Vice President of ILEX sitting on appeal panel before which ILEX resisted the appeal; VP a Director of ILEX, a company limited by guarantee; VP owing fiduciary duties to ILEX; whether judge in her own cause; whether apparent bias; whether ILEX subject to judicial review jurisdiction).

(Managing Clerk raided client account of £ 200,000, partners strictly liable in conduct, breaches of Solicitors Accounts Rules, plea bargain, financial penalty).

Virdi v The Law Society/Solicitors Regulation Authority, The Solicitors Disciplinary Tribunal intervening [2010] 3 All ER 653, CA
(Appeal by solicitor, Tribunal Clerk retiring with panel members and drafting their detailed findings, whether lawful ? Tribunal Clerk employed and paid by Law Society, the Prosecutor – whether apparent bias ?).

Solicitors Regulation Authority v A Solicitor [2009], Solicitors Disciplinary Tribunal
(Successful vitiation of subjective test of dishonesty in Twinsectra by fear of threat against solicitor).

(Appeal by solicitor from SDT, Tribunal Clerk retiring with panel members and drafting their detailed findings, whether lawful ? Tribunal Clerk employed and paid by Law Society, the Prosecutor – whether apparent bias ? Delay of 12 months in SDT delivering detailed findings, held to be an inordinate and inexcusable violation of Article 6 of the ECHR).

Okoronkwo v The Law Society [2008] EWCA Civ 1572 (Bailii) 9th December, Court of Appeal
(Scope of Section 43 of the Solicitors Act 1974; effect of Advocate’s disavowal of dishonesty allegation; standard of proof)

Solicitors Regulation Authority v R [2008] October
(Defended a solicitor accused of dishonesty; negotiated plea bargain whereby dishonesty allegations withdrawn)

Solicitors Regulation Authority v S [2008] June, SDT
(Disciplinary proceedings; solicitor; abuse of process; breach of natural justice; contention that Law Society’s scheme of investigation and adjudication unlawful without a procedural code)

Solicitors Regulation Authority v Okoronkwo [2008] Lawtel, 16th June, Divisional Court
(SDT findings under s. 43 of the Solicitors Act 1974 against a Barrister who set up and capitalised a firm of solicitors; whether he was “employed or remunerated” by the firm; SDT purported to convict Barrister;
appeal to Divisional Court; SDT Order quashed)

**Solicitors Regulation Authority v. Virdi** [2007] October
(One of the longest cases in the Solicitors Disciplinary Tribunal, Defence of Senior Partner of firm accused of fraud, dishonesty and money laundering, acquittal on dishonesty charges, striking-off avoided)

**Doctors, Dentists, Nurses**

**Nursing and Midwifery Council v Katherine Mullen** 25.9.14
(secured acquittal at a Nursing & Midwifery Council re-trial, of a senior nurse accused of neglect of a dying patient, after a 3-year battle to clear her name).

**Nursing and Midwifery Council v M** [2014] 13th January.
(nursing home; allegations of neglect against senior nurse; case part-heard after 2 days with evidence yet to be given; tribunal issued a letter purporting to make a final determination of issue of misconduct and fitness to practise; application by Marc Beaumont to recuse entire panel on grounds of predetermination and apparent bias; application granted)

**General Medical Council v V** [2010] October, CA.
(Gastroenterologist, erasure from medical register, appeal against sanction, freedom of speech, proportionality, restraint of trade).

(Defended at trial of allegations against GP; witnesses in fear; GMC sought to rely on their written statements as the decisive evidence; application successfully opposed and charge dismissed).

**K v General Dental Council** [2009] Lawtel, 5th May, Divisional Court.
(Appeal by dentist against suspension by GDC; GDC appoints those who appoint PCC panel members; GDC also prosecutes dentists before PCC; whether system of appointments of PCC panel members by GDC indirectly, engages the doctrine of apparent bias; whether GDC a judge in its own cause; chairman of PCC panel a recent elected member of GDC; whether chairman automatically disqualified; application of Pinochet doctrine).

**Other**

**Immigration regulation**

**J v Office of the Immigration Services Commissioner** [2012] 30th May, Court of Appeal (Neuberger MR, Toulson LJ)
(News of the World entrapment of immigration adviser; commercial lawlessness; whether prosecuting regulator's reliance on and adoption of entrapment by a reporter was in law a ratification of anterior criminal activity and so an abuse of process)


(Allegation of breach of OISC Code of Standards, “sting” carried out by The News of the World newspaper (the “Fake Sheik”), clandestine filming, entrapment and enticement, whether proceedings an abuse of the
process).

The Cat Fancy

**General Council of the Cat Fancy v XY** September 2014
(successful defence of Cat Fancy member in relation to postings on Facebook).

(Cat shows, private club, contractual incorporation of rules of natural justice, altercation at cat show with duty veterinary surgeon who disqualified champion Siamese cat for alleged respiratory illness, prosecution of client before disciplinary committee for alleged discreditable conduct, contested trial, client acquitted of charge).

Judicial Review

**F v United Kingdom** (2013) 5th Dec; (2012) No: 5908
(application to European Court of Human Rights; whether violation of presumption of innocence; challenge to refusal of the Secretary of State to grant F compensation under s. 133 of the Criminal Justice Act 1988 arising from his wrongful conviction in 2004 for various sexual offences).

**R (Rosemarine) v Legal Ombudsman** [2014] EWHC 601 (Admin; Manchester)
(Judicial Review against the Legal Ombudsman; whether consideration of a fresh complaint outside of LeO jurisdiction by virtue of s. 126 of the Legal Services Act 2007; bias)

**P v United Kingdom** January 2014
(Drafting an application to the European Court of Human Rights examining the administrative and judicial arrangements in the United Kingdom for dealing with errors in the allocation of judges to the specialist work areas of the High Court of Justice and the extent to which the UK’s purported solution [the “de facto judge principle”] violates Article 6 of the ECHR and Article 47 of the Charter of Fundamental Rights of the European Union (2000) )

**Reg (Mehey et al) v Bar Standards Board** [2013] 16th October, High Court, Lawtel 24.10.13.
(Judicial review arising from failures of due process in the Bar’s disciplinary arrangements discovered by a report by COIC in 2012; time expired disciplinary judges – whether a tribunal “established by law” under ECHR Art. 6 and Art. 47 of the EU Charter of Fundamental Rights; whether laid down selection process of disciplinary judges had to be followed at all; whether prosecutor could partake in selection process of disciplinary judges; whether a disciplinary judge could properly receive an undisclosed salary from the prosecutor; whether logjam in Visitorial appeals process caused unlawful delay; whether proper Art. 6 security of tenure when BSB sits on committee (COIC) with the power to remove disciplinary judges from the “pool” at will; whether “discreditable” conduct should be defined).

**Kaur v ILEX** [2011] EWCA Civ 1168
(Ground-breaking decision of the Court of Appeal on the law of apparent bias and automatic disqualification in disciplinary proceedings; Vice President of ILEX unlawfully sat on disciplinary tribunal; Marc Beaumont, (on Public Access), defeated ILEX, (represented by Leading Counsel), securing the reversal of the decision of 4 previous Senior Judges).

**P v Hertfordshire County Council** [2009] Lawtel, 30.1.09
(School closure; judicial review; Closure Notice failed to show how closure would improve SEN provision for SEN children; Closure Notice held to be invalid; closure decision quashed. Defect I identified will affect closures across England & Wales).
For a BBC radio interview with Marc Beaumont about the decision in P v Hertfordshire County Council in December 2008, please click here

SR v Kent County Council [2007] ELR 648, Lawtel, 21st September
(Education, racist bullying, child withdrawn from school, LEA offered same school or school distant from home, whether discharge of LEA duty under s. 19 of the Education Act 1996)

R (Energy Financing Team Ltd) v Serious Fraud Office, GML International Ltd (Interested Party) [2005] All ER 285, Divisional Court
(Foreign proceedings, international fraud, mutual assistance, SFO, search warrants far wider than overseas request, judicial review, specificity of warrant, s.2 Criminal Justice Act 1987, ECHR, formal Guidance from Divisional Court)

(school exclusion, fights and serious injury; bullying of assailant; Governors reinstated excluded child; victim (the bully) sought JR of that decision; Governors capitulated; excluded child arguing that in its discretion court should not order a re-hearing by Governors as alternative remedy and hardship to him as a third party; absence of reasons of Judge below).

BJ and MB v Governors of H School [2005] All ER (D) 274
(school exclusion, fights and serious injury; bullying of assailant; Governors reinstated excluded child; victim (the bully) sought JR of that decision; Governors capitulated; excluded child arguing that in its discretion court should not order a re-hearing by Governors as alternative remedy and hardship to him as a third party)

M v Worcestershire CC [2004] Lawtel 27th April
(SEN, breach of s. 19(1) Education Act 1996, assurances of provision broken)

Louden v Bury School Organisation Committee [2002] Lawtel 19th December
(Constitionality/illegality; bias of Chairman; evidence ignored; conduct of SOCs)

Boulton & Andrew v Leeds School Organisation Committee [2003] ELR 67
(Final hearing)

Boulton & Andrew v Leeds School Organisation Committee [2002] EWCA 20th June, Lawtel, Court of Appeal
(school closure, right of objectors to appear before SOC, scope of SOC’s duty to hear objections orally, natural justice, locus/whether pupils can be the applicants; abuse of process;)

(Planning, breach of Enforcement Notice, autrefois acquit inapplicable where previous acquittal secured by improperly obtained certificate of lawful development).

Thornberry v Coleman [2001] All ER (D) 357, Court of Appeal
(Planning, slander by officer of Local Government, exemplary and aggravated damages, whether slander of Company Director is slander of the Company )

Reg v Kingston Upon Hull MBC ex parte Rhodes [2001] ELR 230
(s.13 Education Act 1996, breach of statutory duty, judicial review)

Reg v Kirklees MBC ex parte Beaumont [2001] ELR 204
(Local Government, bias, non-pecuniary interest, leading case on circumstances in which a Councillor must recuse himself from a Council vote)
Reg v Sheffield CC ex parte McCloskey [2000] ELR 85
(school admissions)


Reg v Sheffield CC ex parte Hague and others [1999] ELR 242 & 511, Court of Appeal
(A leading case on school admissions, Section 411 Education Act 1996, conduct of appeals, whether Appeal Committees can take into account anterior unlawfulness of policy)

(School admissions, s. 411 Education Act 1996, catchment areas and ECHR)

Reg v Rotherham MBC ex parte Clark & others [1998] 2 ELR 152, Court of Appeal
(education; leading modern case on school admissions; judicial review of school admissions policy based on catchment areas rather than parental preference; s. 411 Education Act 1996)

Commercial, business & general litigation

G v S (2013/2014)
(successful defence of male Defendant in claim for damages for paternity fraud; claim withdrawn; costs paid to Defendant)

X Bank v M – Dec 2012, Mediation
(Defence of undue influence with third party claim in negligence against a firm of solicitors; successful London Mediation at which wife of debtor received enough in damages to secure re-housing).

Trade Storage Ltd v Papanicola [2011] EWHC 598
(Security for costs; whether Claimant Company in substance a Defendant and so immune from SFC order).

W v W Solicitors, [2011] April, Manchester County Court
(Costs; Solicitors Act 1974, statute bills, enforceability of invoices, solicitor’s lien over client funds).

DPIL and ISIL v McDonnell & MAL [2011] Technology & Construction Court,
(November 2010 to April 2011)
(14 day trial; Construction contract; project management; claims alleging fraudulent misappropriation, deceit, breach of fiduciary duty, dishonest assistance and professional negligence against designers/project managers; claim for an account; all serious allegations against Marc Beaumont’s client dismissed).

Santander Bank v M [2011], Croydon County Court
(Application to strike out averment of constructive notice in Etridge defence; application successfully opposed by Marc Beaumont).

Re Trumax Ltd [2011] Lawtel 25th Jan, Companies Court
(Insolvency, transaction at undervalue, transfer of commercial property to pension scheme with in specie contribution, sections 212, 238, 239 of the Insolvency Act 1986, whether Directors’ misfeasance).

Private Car Services v K [2010] Feb, Central London County Court
(Chauffeur of a celebrity; restraint of trade, whether covenant enforceable, whether
damages for “reflected loss” being claimed, whether s. 2 of the Competition Act 1998 applicable, whether an account of profits available in a claim for breach of contract).

**Whiteaway Laidlaw Bank v R** [2009] 11 August, Bankruptcy Registry, Birmingham. (Insolvency. Successful defence to Petition on the basis of: (a) an arguable breach of section 86C of the Consumer Credit Act 1974, (b) triable issues of fraud and (c) a mis-statement in the Petition about security; whether “security” in rule 6.25 of the Insolvency Rules 1986 includes an arguably valueless Legal Charge; whether “running-account credit” can arise by implication where overdraft facilities are extended retrospectively).

**GMC Collections v Singh** [2009] CLCC, 28th July (HH Judge Collins CBE) (Re-litigation, consumer credit, improper execution, issue estoppel, abuse of process, Johnson v Gore-Wood, limitation period for allegations of improper execution, successful strike-out application).

**G v Metropolitan Police Commissioner** [2009] Central London County Court, 12th June (Policeman; disciplinary proceedings which were wrongly brought; Policeman mentally ill; wrong diagnosis by Doctors; MPC’s duty of care to policeman; definition of duty of care; whether non-delegable; successfully resisted MPC’s strike-out application).

**Manning v Her Majesty's Revenue & Customs** [2009] 6th January (Bankruptcy Petition based on agreement to pay tax; allegation by client debtor that agreement procured by threat by HMRC to extend investigation over another 8 years of trading; need for trial; Petition dismissed with costs against HMRC).

**Talley Group v NHS** [2008] December (Procurement; NHS Trust; £1 million contract for supply of pressure mattress systems; threatened withdrawal by Trust; I negotiated with the Trust to rescind their withdrawal; settled case within 48 hours of dispute erupting).

**Greenergy SA v Memphis Biofuels LLC** [2008] EWHC (Commercial Court) 2nd Sept (Conflict of laws; supply of biofuel from the USA; service out of the jurisdiction; CPR Part 6 r. 20(5); whether e-mail contract made in England or Tennessee; convenience of forum; material non-disclosure in ex parte application; Proper Law of the contract; Rome Convention).

**Snopek v Urang Ltd** [2008] EWHC 1213 (Ch), Lawtel 23rd May (Insolvency; construction dispute; appeal against bankruptcy order; interaction of bankruptcy jurisdiction and CPR Part 23.11; abuse of process; circumvention of rule in Heath v Tang)

**Patel v GMS Norwich Ltd** [2008] 14th January, Court of Appeal (conveyancing; purchaser paid too little to vendor as vendor’s solicitor mistakenly asked for too little to effect completion, mistakenly accepted the lower sum and mistakenly paid the correct, larger sum to the vendor out of other client funds; vendor sued in damages for balance of purchase price, but had already received it, by mistake, from his negligent solicitor; defence of “no loss;” vendor then repaid the overpayment to his negligent solicitor having retained it for 5 months in order to contrive a loss; whether vendor could recover that loss)

**Goodchild v Bradbury & Hillier** [2007] WTLR 463, Court of Appeal (Gift of land; presumption of undue influence; whether rebutted by donor’s confession that not placed under any pressure; whether third party transferee of land
had constructive notice).

**Dr T.S Goel v R. Pick** (Trustee in Bankruptcy) [2007] 1 All ER 982
[2006] Lawtel 12th April, Ch D; [2006] RTR; [2006] The Times; [2006] BPIR 827. (Insolvency; assignment of choses in action; disposition of property; number plates; preferences; purported transfer of vehicle registration mark; ownership of mark; s.340 Insolvency Act 1986; Retention of Registration Marks Regulations (1993)

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[2005] Lawtel, 15th December, [2005] The Times, 21st December, Court of Appeal. (Consumer Law; Sale of Goods; Hire Purchase Act 1964; title to goods; protection of private purchasers; meaning of “carrying on a business;” single commercial venture; bona fide purchaser without notice)

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**Di Placito v Slater** [2004] 1 WLR 1605 CA, The Times 29th Jan, [2003] Lawtel 22nd December, New Law 23.12.03. (application of CPR to modification of undertaking; relevant test)

**Di Placito v Slater** [2003] NLP 20th March, Lawtel 24th March (Probate action; strike out for breach of undertaking, abuse of process, extension of time)

**Hill Samuel Personal Finance v Grundy** [2002] CL Aug (CPR Part 51.19, automatic stay, strike out)

**Thornberry v Coleman** [2001] All ER (D) 357, [2001] LTL 28/9/01, CA (Slander by officer of Local Government, exemplary and aggravated damages, whether slander of Company Director is slander of the Company)

**Birmingham Midshires v Sabherwal** [2000] 80 P & CR 256, CA (Overreaching, ECHR Article 8, undue influence, subrogation)

**Ocwen UK v Travis** [2000] Current Law, Aug (strike out/limitation period for extortionate credit bargain claim)

**Leheny v Allied Irish Bank** [1999] BPIR (Appeal against Bankruptcy Order, equitable set-off, sale at undervalue by mortgagee, s. 267 Insolvency Act 1985)

**Hurstanger Ltd v Wood & Wood** [1999] CL June (following FNB v Ann and Hustanger Ltd v Ricketts below, strike out/limitation period for extortionate credit bargain claim)

**Abbey National plc v Tufts** [1999] 2 FLR 399, CA; [1999] EGCS 24 (mortgage fraud, LPA Section 199, reasonable inquiries, application of Quennell v Maltby test)
Barclays Bank v Clifton [1998] BPIR 566
(personal insolvency; mortgage fraud; agency; setting aside statutory demand,
nature of appeal to single Judge of the Chancery Division)

Hill Samuel Personal Finance v Grundy [1997] All ER (D) 81, CA
(Unless Orders / Hytec Information criteria)

(following FNB v Ann above, strike out/limitation period for extortionate credit bargain
claim/issue estoppel/abuse of process)

Popat v Shonchhatra [1997] 1 WLR 1367, CA, [1997] 3 All ER 799
/division of post-dissolution partnership profits

(limitation period for extortionate credit bargain claim)

Re Jayham Ltd [1995] 2 BCLC 455
(Restoration to Companies Register/s.653 Companies Act 1985)

S v W [1995] 1 FLR 862, CA
(a leading case on s. 11 of the Limitation Act 1980; action for damages for childhood
sexual abuse/limitation)

(a leading case on overriding interests, LRA s. 70(1)(g); equitable subordination)