

GERARD MCMEEL

CALL: 1993

"He's excellent with clients and very responsive. He's a go-to for financial services work."

Chambers UK 2019

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Gerard acts and advises in Commercial Dispute Resolution and Banking and Financial Services matters. He has appeared in a wide variety of courts and forums, including recently, the Court of Appeal, the Commercial Court, the Chancery Division, the Bristol and Cardiff Mercantile Courts, the Upper Tribunal (Tax and Chancery Chamber) and in an international commercial arbitration in London.

PRACTICE AREAS

- Banking & Finance
 - Commercial
 - Recovery of Misapplied Funds
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BANKING & FINANCE

Expertise in financial services matters comprises long-standing experience in negligent investment advice cases, involving independent financial advisers, company representatives, stockbrokers and other intermediaries.

Gerard acts for life offices, general insurance companies, trust companies, financial advisers and in disputes involving networks of IFAs and between product providers and appointed representatives. He advises on all aspects of the Financial Services and Markets Act 2000, including financial promotion and collective investment schemes. Gerard also deals with disciplinary and enforcement matters involving the Financial Services Authority.

Gerard acted in the leading investment case of Seymour v Ockwell. Subsequently, he advised and represented Zurich companies in various matters, including disputes in the Queen's Bench Division in London, the Chancery Division, the Bristol Mercantile Court, the Birmingham Mercantile Court, the Leeds Mercantile Court and Manchester Mercantile Court, as well as acting for other insurer clients, including Legal & General, Liverpool Victoria and AXA Sun Life.

Gerard's practice also encompasses general insurance work, including advising general insurers on policy avoidance and cover issues.

A significant proportion of the advisory work over recent years has involved the provision of advice to high net worth individuals on the consequences for their portfolios of the financial crisis, and potential claims against financial advisers, brokers and banks.

SIGNIFICANT CASES

- Successfully represented the investors in the leading case of Seymour v Caroline Ockwell & Co and Zurich IFA Ltd [2005] EWHC 1137 (QB), [2005] PNL 798.
- Successfully obtained judgment for Zurich in its dispute with a former intermediary, Ivan Massow, pioneer of the "pink pound", who had made allegations of corporate homophobia against Zurich Advice Network and Allied Dunbar.
- Successfully resisted proceedings brought against Zurich and one of its representatives by the Nigerian international and Portsmouth FC football player Nwankwo Kanu in the Chancery Division before Etherton J.
- Represented Zurich at trial in November 2008 before Sir Thomas Morison in the Queen's Bench Division in Allied Dunbar v Matania and Pullen; a dispute between Zurich and a former appointed representative, in which the intermediary had claimed that prominent international rugby players were mis-sold investments. This matter settled after 5 days. The matter attracted press coverage as a result of England's Simon Shaw providing evidence ("Rugby aces scrum down in court over 'mis-sold' policies worth thousands of pounds" Mail on Sunday, 15 November 2008; Evening Standard 16 November 2008).
- Successfully represented the Zurich group in Allied Dunbar v Webwatch Limited (two judgments dated 1 June and 14 July 2009: a trial spread over eight days in the Bristol Mercantile Court); obtained judgment for over £600,000 and reducing the alleged million pound plus counterclaim to a sum of £60,000. Instructed by Bevan Brittan. In his judgment HHJ Sir Mark Havelock-Allan QC described Gerard as a "formidable opponent", adding: "Mr McMeel is a specialist in the law of financial services and a co-author of a major textbook on that topic."
- Successfully represented AXA Sun Life in a dispute with a financial adviser concerning failure to provide information concerning GARs in the Leeds Mercantile Court in Carroll v AXA Sun Life Services Ltd [2010] EWHC 2233 (Merc), which included exploration of the limitation issues arising from 'chain of information' cases (based on Seymour v Ockwell) and the impact of a determination of the Financial Ombudsman Service (in the light of Law Society v Sephton).
- Represented former appointed representatives of AXA Sun Life in resisting AXA Sun Life's appeal; in AXA Sun Life Services plc v Campbell Martin Ltd [2011] EWCA Civ 133; the case established that AXA's entire agreement clause did not exclude its liability for misrepresentations by its employees, and that its standard clause restricting set-off was ineffective under the Unfair Contracts Terms Act 1977.
- In February 2011 represented an offshore, high net worth investor in a claim against his UK stockbrokers before Mr Justice Kitchin sitting in the Chancery Division in Bristol concerning offshore investments, unauthorised intermediaries and ss 27 and 28 of the Financial Services and Markets Act 2000 in a two day summary judgment hearing: Bijlani v Pritchards Stockbrokers Ltd.
- Successfully represented a corporate property investor in respect of alleged misrepresentations and non-disclosure in respect of an unregulated collective investment scheme in property in a summary judgment application in May 2011 in the Chancery Division in London.

COMMERCIAL

Gerard's commercial practice includes a wide range of contractual and commercial matters, including:

- Sale of goods and supply of service
- Storage and distribution
- Carriage and other bailment issues
- Asset finance and agency agreements (including the Commercial Agents Regulations)
- Expertise on contractual interpretation issues and drafting of standard terms

He regularly provides advice and acts in cases with an international component, and has expertise in the standard export and import terms and international carriage conventions.

Pre-emptive commercial remedies, including:

- Summary judgment
- Default judgment
- Freezing injunctions
- Search orders
- Interim delivery up of goods
- Interlocutory injunctions

International and conflicts issues, including:

- Jurisdiction
- Choice of law

Claims for restitution including:

- Mistaken payments
- Common law actions for recovery of money and property
- Tracing and constructive trusts

Gerard's expertise also includes legislative and regulatory control of contractual provisions (including European contract law), including the impact of the Unfair Contract Terms Act 1977 and Unfair Terms in Consumer Contracts Regulations 1999.

In 2012 Gerard acted as an Expert Witness for the European Parliament in Brussels in respect of the regulation of unfair contract terms under the proposed Common European Sales Law. He is a contributor to Dannemann and Vogenauer, *The Common European Sales Law in Context* (2013). Gerard is a member of the Advisory Group of judges, practitioners and academics in respect of Professor Burrows's forthcoming *Restatement of the English Law of Contract*.

RECENT CASES

- *AJ Building and Plastering Ltd v Turner* [2013] EWHC 484 (QB).
- *AXA Sun Life Services Plc v Campbell Martin Ltd* [2011] EWCA Civ 133.

RECOVERY OF MISAPPLIED FUNDS

Urgent and interlocutory commercial remedies including injunctions and freezing orders and particular expertise in claims for restitution of the proceeds of fraud and other misdirected funds. Gerard has a long-standing interest in the emerging law of unjust enrichment and restitution. He recently acted for Lloyd's Bank in the Court of Appeal in *TFL Management Services v Lloyd's Bank plc* [2013] EWCA 1415, concerning issues of unjust enrichment and indirect benefit.

Gerard was a member of the Advisory Group of judges, practitioners and academics in respect of Professor Burrows's *A Restatement of the English Law of Unjust Enrichment* (Oxford University Press, 2012). Gerard has been the Regional Editor for England and Wales of the *Restitution Law Review* since 2001.

RECOMMENDATIONS

- [Chambers UK 2014](#)
 - [Chambers UK 2013](#)
 - [Legal 500 2013](#)
 - [Chambers UK 2012](#)
 - [Legal 500 2012](#)
 - [Chambers UK 2011](#)
 - [Chambers UK 2010](#)
 - [Legal 500 2010](#)
 - [Chambers UK 2009](#)
 - [Chambers UK 2008](#)
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APPOINTMENTS:

- Professor of Commercial Law, University of Manchester (2013-Present)
 - Visiting Professor of Law, Singapore Management University (2010-Present)
 - Professor of Law, University of Bristol (2002-2013)
 - Reader in Commercial Law, University of Bristol (2001-2002)
 - Visiting Professor of Law, University of South Carolina (2000-2001)
 - Visiting Fellow, Center for Global Capital Markets (Law School), Duke University (2001)
 - Lecturer in Law, Merton College, University of Oxford (1991-1993)
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MEMBERSHIPS:

- Commercial Bar Association
- Professional Negligence Bar Association
- The Society of Legal Scholars
- Western Chancery & Commercial Bar Association
- Western Circuit

EDUCATION:

- Duke of Edinburgh Scholar (Inner Temple)
- Major Scholarship (Inner Temple)
- Inns of Court Studentship (Inns of Court)
- Pegasus Scholarship (Inns of Court)
- Richards Butler Prize for International Trade Law, University of Oxford
- MA in Jurisprudence, BCL
- Brasenose College, University of Oxford
- St Mary's College, Blackburn

RECENT NEWS

- Gerard McMeel represents footballer in financial advice claim
- Guildhall Chambers quiz night goes down a "sturm" - September 2015

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