PROFESSIONAL NEGLIGENCE - SIGNIFICANT & REPORTED CASES

10 Jan, 2014

SIGNIFICANT & REPORTED CASES

John Grimes Partnership Ltd v Walter Gubbins [2013] EWCA Civ 37
On 5th February 2013 the Court of Appeal (Laws LJ, Tomlinson LJ, Sir David Keene) handed down judgment in John Grimes Partnership Ltd v Walter Gubbins and upheld the decision below, that a consulting engineer was liable to pay damages to a developer for the diminution in the market value of a development whose completion had been delayed by the engineer's breach of contract. The Court of Appeal held that the loss had been reasonably foreseeable as not unlikely to result from the breach at the time of contract, that market conditions had not been exceptionally volatile, and there was no basis to displace the standard approach to remoteness. The Court emphasised that the conventional rules as regards remoteness would apply absent evidence demonstrating a particular market understanding or other special circumstance. The judgment of Sir David Keene contains some useful and pithy observations as to the current state of law as to remoteness in contract, suggesting that the approach is similar to that used by the courts in relation to implied terms. In a concurring judgment Tomlinson LJ also questioned whether losses flowing from extremely volatile market conditions were, axiomatically, irrecoverable, and left that particular point open for decision on a future case.

Adrian Palmer QC
Hugh Sims

S G South Ltd v Swan Yard (Cirencester) Ltd [2010] EWHC 376 (TCC)
Enforcement of Adjudication Award; grounds for stay of enforcement.

John Virgo

Business Link Berkshire & Wiltshire Ltd v Fearn [2009] EWCA Civ 455
Appeal on the basis of fresh evidence; consideration of Marshall v Ladd criteria; mis-treatment of evidence by trial judge and direction for re-trial.

John Virgo

Bunney v Burns Anderson 2007 EWHC 1240
Scope of jurisdiction of the Financial Ombudsman Service in high value claims.

John Virgo

Brinsons v Financial Ombudsman Service [2007] EWHC 2534
Scope of jurisdiction of the Financial Ombudsman Service over mortgage-endowment linked mis-selling claims.
John Virgo

**Abeles & Others v Equitable Life Assurance Society**
Group action on behalf of about 400 claimants for mis-selling of annuities over a period of years, 2005-2007.

Adrian Palmer QC
John Virgo

Case concerned with negligent estimation of refurbishment costs and contract letting.

John Virgo

**Baker v Clark [2006] EWCA Civ 464**
Case concerning efficacy of trustee exoneration clauses protecting occupation pension scheme trustees.

John Virgo

**Seymour v Caroline Ockwell & Co; Zurich IFA Ltd [2005] EWHC 1137 (QB), [2005] PNLR 758 (Bristol Mercantile Court, 13 May 2005)**
Offshore unregulated fund; claim by investors against financial adviser and provider of offshore insurance "wrapper bond"; negligence; breach of statutory duty.

John Virgo

**North Devon Homes v Brazier [2003] 2 EGLR 14**

John Virgo

**Swansea Building Society v Bradford & Bingley (t/a BBG Surveyors [2003] PNLR 740**
Surveyor’s negligence - defective building - limitation - knowledge required to start time running - whether deliberate concealment by defendant)

John Virgo

**Richardson v Morton [2002] EWCA Civ 124**
Appeal concerned with scope of barrister’s immunity.

John Virgo

**Royal Bank of Scotland v Etridge and others (No. 2) [2001] 4 All ER 449, HL**
Claim to set aside mortgage for undue influence, misrepresentation or other wrongdoing by a principal debtor.

Nicholas Briggs

**Devine v Jefferies 2001 Lloyds Law Reports Professional Negligence**
Credit for windfall gains in computing damages for negligent surveys.

John Virgo
Loosemore v Financial Concepts 2001 Lloyds Law Reports Professional Negligence 235
Impact of the Limitation Act on claims for mis-selling personal pension plans.

John Virgo

Gorham v British Telecommunications plc [2000] 1 WLR 2129
Duty of care owed by financial adviser to client's dependants when advising on retirement options.

Adrian Palmer QC

Whether liquidator's solicitor owed duty of care to funding creditor.

Stephen Davies QC

Hale v Guildarch [1999] PNLR 44
Acted for Defendant; no personal liability of employee in respect of negligent advice given in connection with sale of Home Income Plan product.

John Virgo
Adam Chippindall

Searles v Cann & Hallett 1999 PNLR 494
Scope of solicitor's duty of care to third party in connection with provision of protection scheme for investment plan.

John Virgo

May & May v Woollcombe Beer Watts 1999 PNLR 283
Use of expert evidence in conveyancing negligence claims.

John Virgo

Woolwich Plc v Finberg (1998) 2 PNLR 216
Whether judge has to embark upon an investigation into solicitor's conduct on a wasted costs application when the facts speak for themselves.

Rajinder Sahonte

Stovold v Barlows [1996] 1 PNLR 91 (CA)
Assessment of lost chance in negligently handled conveyancing transaction where sale lost through delayed dispatch of contract documents.

Cocking v Prudential 1996 CCH Commercial Law Cases 692
No right to stay of proceedings over pension mis-selling despite availability of PIA Review.

Adrian Palmer QC
John Virgo

Surveyor's negligence; scope of duty to comment on risk of structural movement of property.
Gran Gelato Ltd v Richcliff (Group) Ltd [1992] Ch 560; [1992] 1 All ER 865

No duty of care owed by vendor's solicitor to purchaser in answers given to pre-contract enquiries.