

OLIVER MANLEY

CALL: 2005

"He has a good manner with clients and inspires confidence."

Legal 500

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Oliver is a commercial and personal injury barrister with considerable experience in resolving all manner of disputes arising from his practice areas. He regularly appears in both the High Court and County Court and is consistently instructed in cases at all stages, from advisory, pre-action, interlocutory applications, trial, costs and appeals.

Oliver has been invited and thereafter spoke at the annual Professional Negligence Lawyers Association (PNLA) conference and the Public Law Project annual conference. He is also happy to offer talks and presentations specifically tailored to instructing solicitors needs if required.

PRACTICE AREAS

- Commercial
- Personal Injury
- Professional Negligence
- Technology & Construction
- Costs & Litigation Funding
- Inquests

COMMERCIAL

Oliver has an impressive and diverse commercial/chancery practice and has consistently accepted instructions in:

- Contractual disputes
- Debt Claims
- Sale and supply of goods and services
- Agency agreements
- Construction
- Partnership disputes
- Consumer credit
- Mortgage possession
- Commercial property disputes
- Restrictive covenants
- Professional negligence
- Costs

NOTABLE CASES:

- **Healys LLP v Partridge and anor [2019] EWHC 2471 (Ch)**- Concerned recovery of solicitor's fees and dealt with whether a CFA can also be a CBA within the meaning of section 59 the Solicitors Act 1974.
- **Forklift Truck Ltd v Mollertech Ltd** - MT trial involving novation and subrogation arising from bulk hire contracts.
- **Freefoam Plastics UK Ltd v J** - MT contract trial. Involves validity of personal guarantee.
- **M & 14 others v Freightliner Heavy Haul Ltd**- High Court breach of contract claims where successfully represented 15 train drivers.
- **DGD & ALD v Abbey National Plc (Santander UK Plc)**- Professional negligence/breach of contract claim in respect of mis-sold mortgage involving subrogation and misrepresentation.
- **Landmark Entertainment Ltd v Evergreat Ltd** - Debt case involving historic intra-company loans worth in excess of half a million.
- **Wardell & Standish (joint trustees in bankruptcy) v AMJ & Anor**- Case involving defending multiple claims from trustees in bankruptcy against former director of the Company. Resulted in successful split of equity in the property.
- **Vale of Glamorgan Council v Late Margaret Judith Tailby, JMT**- Case in Lands Tribunal defending claim for care home fees after unperfected gift on basis of rule in Strong v Bird.
- **Tremorfa Limited v Amser Buildings Services Limited**- MT construction dispute involving technical issues arising from the installation of fire and security systems.
- **R J L & T R D v Wye Construction Services Limited**- MT construction dispute.
- **Dr AG v Dr MO, Dr EW, Cwm Taf University Health Board & Ors**- Defending the LHB from multiple claims made by former locum doctor. Includes claims for negligent misstatement and breach of data protection.
- **The Bute Development Company Limited v V & C**- Defending claim for adverse possession of land. Resisting security for costs application.
- **Williams & Williams v W** - Successfully appealed against Party Wall award.
- **The Estate of Joseph Elfed Davies** - Contentious probate matter in estate worth over £2m. Acting for executors. Involves complex historic trust of farmland.
- **GH v PRL In The Matter of the Estate of the Late Dorothy Lavender** -Ongoing contentious probate matter in the RCJ. Issues of capacity in respect of all parties and consequent Court of Protection proceeding leading to stay.
- **Steddy Ltd v E** - Injunction proceedings restraint of trade.
- **KB-P & SBP v A (a firm)**- Complex professional negligence matter involving solicitors who were advising on a Spanish property scam. Case turned on extent to which adjacent tooth principles could apply relying on Emptage. Disposed of under the Adjudication pilot scheme after obtaining an order at CCMC for such an adjudication to take place.
- **G v H (a firm) LLP**- Led in High Court case involving negligent immigration advice - Involved complex assessment of both general and special damage in circumstances where the immigration position remains uncertain. Successfully obtained stay at CCMC held in RCJ until immigration status resolved. Led to settlement of case by insurers.
- **N J T v R J T & PS**- Defended claim for harassment arising over property dispute. Four day trial dismissed after day two after successful half time submission. Subsequent appeal resisted.
- **Neal Environments Ltd v LN, BN, SN v TH & WN**- Advising Company and Directors over a numbers of years on long running dispute with other company directors. Dealing with ET claims, resisting petitions for unfair prejudice, successfully removed directors and settled their shares.

PERSONAL INJURY

Oliver has built a successful and substantial practice in Personal Injury. He covers all areas of negligence and represents both Claimants and Defendants. He deals predominantly with Multi Track work but is also happy to be instructed on FT work, if appropriate. He is regularly instructed to appear at CCMCs, interlocutory applications and of course trials. Oliver accepts instructions to deal with matters on a CFA with no uplift. He will not charge for his initial advice should the case lack prospects.

Oliver is approachable, has considerable experience and is noted for his ability to instil the complete confidence of both his professional and lay clients.

PROFESSIONAL NEGLIGENCE

Oliver was recently led in a case in the High Court involving the provision of negligent immigration advice by solicitors. The case threw up novel legal issues particularly in the quantification of damages and whether the loss of employment due to the Claimant's loss of immigration status should be quantified by using recognised methods from the personal injury jurisdiction.

In addition Oliver had acted professional negligence cases in banking and financial services including: mis-sold mortgages, negligence financial advice and negligent legal advice.

TECHNOLOGY & CONSTRUCTION

Oliver has regularly represented both Claimants and Defendants in complex construction disputes and conducted numerous multi track trials in cases involving both residential and commercial construction projects. He regularly appears for developers, architects, sub-contractors and owners of residential property.

COSTS & LITIGATION FUNDING

In addition to conducting detailed assessments Oliver is also particularly interested in the extent to which the failure to engage in forms of ADR can impact on the recoverability of costs. Recently he successfully obtained a direction at CCMC stage for a case to be subject to the adjudication pilot scheme for the settlement of professional negligence cases before being able to progress to trial.

INQUESTS

Oliver has been regularly instructed at Inquests on behalf of medical professionals, employers and other interested parties.

NOTABLE CASES:

- **Re: Haines** - Inquest into death of elderly patient in care. Allegations of poor care following severe bed sores. Appeared on behalf of nurse in charge of the home.
 - **Re: Walker** - Appearing as Counsel for the driver of a vehicle at an inquest where a verdict of suicide was recorded after a pedestrian stepped into the motorway
 - **Re: Cunningham** - Appearing as Counsel for the owners of a care home at an inquest where it was alleged that a 22-year old autistic man been forced to swallow a surgical glove.
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EDUCATION:

- BVC (Very Competent) (2005)
 - PgDip (Merit) (2004)
 - BA (Hons) History (2002)
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RECENT NEWS

- Personal Injury & Clinical Negligence Newsletter - April 2020
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