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# Neil Levy

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## PRACTICE AREAS

Banking and Finance

Commercial

Insolvency & Restructuring

## PROFILE

Neil specialises in banking litigation and advising on financial transactions. He has particular experience of domestic banking transactions, having worked as part of the Lloyds Bank in-house legal team from 1987 – 1992.

His field of expertise also covers professional negligence in financial transactions, insolvency and commercial disputes. Neil has regularly presented seminars and written articles on banking and commercial law topics.

He is a former contributor to Paget's Law of Banking and Wadsley & Penn on The Law Relating to Domestic Banking. Neil is the editor of a website of case summaries relevant to finance litigation at [www.banknotesuk.com](http://www.banknotesuk.com).

## PRACTICE AREAS

### Banking and Finance

Neil's work covers the whole range of banking and financial services including:

- Mortgages, charges and debentures
- Receivership and administration
- Guarantees and indemnities
- Cheques, bills of exchange, electronic and card payments
- Letters of credit and performance bonds
- Hire-purchase and asset finance
- Recovery of misdirected payments
- Breach of mandate
- Negligent investment advice and product mis-selling  
PFI, PPP and project finance

## Commercial

Neil undertakes litigation and advisory work in a wide range of commercial litigation including:

- Contractual disputes
- Sale of goods
- Credit sales and asset finance
- Warranty claims

## Insolvency & Restructuring

Neil's banking work often involves issues in the insolvency context. He has particular expertise in claims relating to the liabilities of LPA receivers, company administrators and other insolvency office-holders.

## Professional Negligence and Disciplinary

Neil undertakes litigation and advisory work in professional liability claims, especially:

- Claims involving solicitor or valuer negligence in connection with mortgage lending and defective securities
- Claims relating to mis-selling of financial products and poor investment advice by product providers and intermediaries

## SIGNIFICANT CASES

Schofield v Smith; Rhino Enterprise Properties Ltd v Clyde & Co LLP [2021]

EWHC 2533 (Ch)

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Whether a settlement agreement reached between a bank and a client compromising litigation between them had the effect of releasing insolvency office-holders and their solicitors from liability to the same client and the applicability of the rule in *ex parte James*

**Schofield v Smith; Re Rhino Enterprise Properties Ltd [2020]**

EWHC 2370 (Ch); [2021] BPIR 144

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Whether contributories should be given permission to commence misfeasance proceedings against former administrators of the company notwithstanding releases of the administrators from liability contained in an approved CVA

**Lees v Lloyds Bank plc [2020]**

EWHC 2249 (Ch)

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Whether claimant entitled to information from bank under civil procedure rules and by making data subject access requests under the Data Protection Act.

**McDonagh v Bank of Scotland plc [2019]**

4 WLR 12, [2018] EWHC 3262 (Ch)

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Issues of interpretation, rectification, estoppel and duress in relation to an €11m property finance transaction.

**Devon Commercial Property Ltd v Barnett [2019]**

EWHC 700 (Ch)

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The liabilities of receivers disposing of assets to a nominee of the mortgagee which

appointed them.

**Davey v Money; Dunbar Assets plc v Davey [2018]**

EWHC 766 (Ch)

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Claims against administrators and the bank which appointed them for alleged breaches of statutory and fiduciary duties in their approach to the realisation of a development property in Docklands.

**Wall v Royal Bank of Scotland plc [2017]**

4 WLR 2; [2016] EWHC 2460 (Comm)

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Whether the court had power to direct a claimant to disclose the existence/identity of any litigation funder, including whether CPR 25.14 was engaged for the purpose of enabling the defendant to apply for security for costs against the funder.

Security for costs; disclosure of identity of third party funder; CPR 25.14; European Convention on Human rights, art 8.

**Tidal Energy Ltd v Bank of Scotland plc [2014]**

EWCA Civ 1107; [2014] 2 All ER 15

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Bank not liable to customer in respect of CHAPS payment where recipient sort code and account number (but not the account name) matched those given in the customer's payment instruction.

**TFL Management Services Ltd v Lloyds Bank Plc [2014]**

1 WLR 2006; [2013] EWCA Civ 1415

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The judge below had been wrong to grant summary judgment dismissing the claimant's claim that the bank was liable in restitution to compensate a company for

legal costs which the company had incurred in seeking to recover monies from a third party which were ultimately held to be book debts charged to the bank.

**TFL Management Services Ltd v Lloyds TSB Bank Plc [2013]**  
EWHC 772 (Ch)

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A bank was not liable in restitution to compensate a company for legal costs which the company had incurred in seeking to recover monies from a third party which were ultimately held to be book debts charged to the bank.

**Blemain Finance v Goulding [2014]**  
1 P&CR DG16; [2013] EWCA Civ 1630

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Validity of mortgage; effect of s 284 Insolvency Act 1986 and ss 58 & 85 Land Registration Act 2002; permission to appeal refused.

**Blemain Finance v Goulding [2014]**  
BPIR 20

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Validity of mortgage; effect of s 284 Insolvency Act 1986 and ss 58 & 85 Land Registration Act 2002; second defendant's claim to an overriding interest binding on the claimant dismissed.

**Evans v Finance U Ltd [2013]**  
BPIR 1001, [2013] EWCA Civ 869

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Enforcement of CCA regulated liability and bill of sale following debtor's bankruptcy.

**Evans v Finance U Ltd [2012]**

EWCA Civ 1889

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Permission to appeal.

**Lancashire Mortgage Corporation v Jones [2011]**

EWCA Civ 309

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permission to appeal; undue influence defence; Etridge guidelines.

**BSS Group plc v Makers (UK) Ltd [2011]**

EWCA Civ 809

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Fitness for purpose of equipment sold by a specialist seller of plumbing equipment; breach of implied term in section 14(3) Sale of Goods Act 1979.

**Neath Port Talbot County Borough Council v Currie & Brown Project Management Ltd [2008]**

EWHC 1508 (TCC)

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Professional negligence claim arising out of PFI waste project; whether proceedings should be transferred to London and heard by High Court Judge.

**Bank of Scotland v Neath Port Talbot County Borough Council [2006]**

2276 EWHC (Ch); [2008] BCC 376

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Application by local authority to sell assets pending trial of a claim by the funder of a failed PFI project to remove and sell the assets notwithstanding a PFI vesting clause on contractor default.

**National Westminster Bank v Waite [2006]**

EWHC 1287 (QB)

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Enforcement of guarantee, allegation of undue influence by bank.

**Finance U Ltd v Gabriel [2006]**

GCCR 5801

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Whether credit agreement a multiple agreement within s 18 Consumer Credit Act 1974 and unenforceable as not properly documented.

**Triodos Bank NV Dobbs [2006]**

C P Rep 1

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Whether appeal should be stayed pending proceedings in European Court of Human Rights; whether judges to recuse themselves on grounds of bias.

**Triodos Bank NV v Dobbs [2005]**

2 Lloyd's Rep 588

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Whether liability within scope of guarantee; whether estoppel by convention prevented guarantor asserting guarantee covered only a specified loan.

**London North Securities Ltd v Meadows [2005]**

GCCR 5381, CA

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Whether Consumer Credit Act regulated credit agreement enforceable; whether



sums to clear existing mortgage arrears credit or charges; whether insurance premiums credit or charges.

**Edwards v Lloyds TSB Bank Plc [2004]**  
BPIR 1190

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Forged signature on a mortgage deed; whether legal or equitable mortgage.

**Triodos Bank NV v Dobbs [2004]**  
EWHC (Ch) 845

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Trial of guarantor's claims against lender and receivers for misrepresentation, conspiracy, shadow directorship and breach of duty in connection with sale of failed property development.

**Corbett v Halifax Building Society [2003]**  
1WLR 964, CA

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Whether sale of mortgaged property tainted by fraud and to be set aside.

**Broadwick Financial Services Ltd v Spencer [2002]**  
GCCR X51, CA

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Whether non-status credit agreement extortionate.

**National Westminster Bank Plc v Story & Pallister [2000]**  
GCCR 2381, CA

Bank recovery of loans and overdraft; whether regulated by Consumer Credit Act 1974.

**Weatherill v Lloyds TSB Bank PLC, [2000]**

Lexis Citation 2260; New Law Transcript, 26/7/2000, CA

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Judge hearing bank recovery claim having shareholding in bank; whether bias.

**Woolwich Plc v Gomm (2000)**

P & CR 61; Times 21/9/1999, CA

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Undue influence defence to mortgagee's claim to possession.

**Jarrett v Barclays Bank Plc [1999]**

QB 1

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Conflict of laws; Consumer Credit Act 1974, s 75; connected lender liability.

Eastham Scholar, Lincoln's Inn

Employed barrister, Lloyds Bank plc (1987 – 1992)

Called to the Bar (Lincolns Inn) 1986

Member of the Chancery Bar Association

## PUBLICATIONS

Contributor to Paget's Law of Banking (Ch 5), 1989 – 2007

Contributor to Wadsley & Penn, The Law Relating to Domestic Banking, 2000



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