Neil Fawcett

Year of Call: **2006**

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Neil Fawcett practises in the fields of Commercial Litigation, Commercial Real Estate, Insurance, Insolvency and Banking and Finance. Neil also has substantial experience with trusts and estates. He is an experienced advocate having appeared and advised in multi-day trials in the High Court and in complex multi-million pound property, insolvency and commercial litigation and has experience both led in the Court of Appeal and as sole counsel in the Court of Appeal in one of The Lawyer's Top 10 Appeals of 2024 nationally.

Neil has experience in international arbitration having concluded a large energy infrastructure dispute as lead counsel before the ICC International Court of Arbitration related to the construction of a power plant in Brazil.

He is currently involved in a number of cryptocurrency tracing and recovery claims, having recently obtained Norwich Pharmacal and World-wide Freezing Orders on behalf of victims in the High Court.

Neil has worked closely with numerous solicitors acting on behalf of SMEs making claims for Business Interruption Insurance following COVID-19, has written the book "*A practical guide to Business Interruption Insurance*" published by Law Brief Publishing and has written for LexisNexis and gives seminars/lectures.

Neil Fawcett is qualified to accept instructions directly from members of the public and professional clients under the Direct Access (or Public Access) scheme."

VIEW PRIVACY POLICY

Education

BSc (Hons) in Chemistry, University of Birmingham
Graduate Diploma in Law, University of Birmingham
Bar Vocational Course, Inns of Court School of Law, London

Professional Memberships

Deputy District Judge, 2015
Called to the Bar, Lincoln's Inn, 2006

Property Bar Association
Commercial Bar Association

Notable Cases

Notable Cases

London International Exhibition Centre plc -v- Allianz Insurance plc **[2024] EWCA Civ 1026 and [2023] EWHC 1481 (Comm) –** A £6 million claim, acting for *Mayfair Banqueting Limited* against AXA Insurance plc in both one of The Lawyer's Top 20 cases of 2023, and Top 10 appeals of 2024 nationally, as sole counsel in the High Court before Jacobs J, and in the Court of Appeal before Males, Popplewell and Andrews LJJ. The case was part of the substantial "*At the Premises*" test case litigation involving contractual construction of a commercial insuring clause to determine whether the UK Supreme Court's new test of causation applied and allowed cover in principle to businesses with similar clauses across the UK which were shut down as a result of the COVID-19 pandemic. Neil was successful in both in an 8-day trial in the High Court and after a 4-day appeal, with the insurers refused permission to appeal to the UK Supreme Court.

https://www.reuters.com/world/uk/londons-excel-centre-wins-insurance-appeal-over-covid-19-losses-2024-09-06/

https://www.judiciary.uk/wp-content/uploads/2024/09/London-International-Exhibition-Centre-v-Allianz.pdf

https://www.youtube.com/watch?v=MR330ZHTKkQ

Bellini (N/E) Ltd (t/a Bellini) v Brit UW Ltd **[2024] EWCA Civ 435 and [2023] EWHC 1545 (Comm)** – Acting in a substantial claim for a business, Bellini (N/E) Ltd. as sole counsel in the High Court, and led by Jeffrey Gruder KC of Essex Court Chambers in the Court of Appeal before Vos MR, Males and Briggs LJJ. The case affected hundreds of businesses across the UK with policies which provided cover for business interruption as a result of the COVID-19 pandemic. The issue before the Court of Appeal was how an insuring clause should be interpreted when it defined the losses caused by the insured perils as being limited solely to physical property damage, despite containing perils which according to the claimant caused no obvious physical damage, only financial loss. The case was a landmark decision which clarified the scope of the principle in *Chartbrook Limited v. Persimmon Homes Limited* [2009] 1 AC 1101 allowing the correction of errors in contracts.

https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2024/435.html

R (Inspired Financial Solutions Ltd.) v The Financial Ombudsman Service and Bonfield – A successful claim for Judicial Review of a FOS decision against Inspired, a company providing financial advice.

Manning & Ors v 2 Four 6 Marketing Ltd & Ors **[2024] EWHC 1554 (Ch)** – Acting for one of the world's largest music promoters seeking to recover almost £3 million in the insolvency of Festicket Ltd. in the High Court along with dozens of other respondents. The claim began in the Commercial Court before Knowles J and was decided in the Insolvency and Companies List before DICCJ Agnello KC. The claimants were promoters of concerts and festivals who had entered into ticket sales agreements with Festicket, which had gone into administration having failed to pay millions of pounds to promoters. The court determined whether the particular wording of ticket sales agreements created a trust in favour of the claimants and whether fiduciary duties arose in relation to the proceeds of ticket sales.

https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Ch/2024/1554.html

Coulson v Paul **[2024] EWHC 2021 (Ch)** – >A claim in the Chancery Division of the High Court where a dispute arose as to the meaning of the word "Child" in a will, in circumstances where a purported beneficiary of the deceased's will had been adopted.

Needham v Master and Fellows of the College of the Great Hall of the University of Oxford **[2023] EWHC 1591 (KB)** – A lengthy trial in the High Court acting for a former student of University College Oxford who brought a claim in damages for breach of the college's contract to provide education and services to him.

In the Matter of Pycom Limited v Daniel Campora, Embedded Consulting B. V., Remote Tech Limited **[2022] 7 WLUK 114** – Acting for the defendants in a complex High Court claim by a company which made electronic devices including temperature sensors, led by David Berkley KC. The first defendant was a co-founder and shareholder of the claimant and was employed as chief technical officer and then as

a consultant through the second defendant company. The claimant brought various claims for breach of confidence, breach of a consultancy agreement, shareholder agreement and breach of the Trade Secrets Regulations in relation to its production of Internet of Things (IoT) devices.

Rockliffe Hall Ltd v Travelers Insurance Co Ltd. **[2021] EWHC 412 (Comm); [2021] 2 WLUK 390** – Led by David Berkley KC in the High Court in the leading authority on "closed-list" disease clauses in business interruption insurance cases before Cockerill J.

Advising the Central Office for Public Interest – Led by Jessica Simor KC, providing advice on air-pollution and the potential for its effect on the residential property market

https://www.irishnews.com/news/northernirelandnews/2021/03/19/news/courts-could-find-estate-agents-negligent-for-not-disclosing-air-pollution-levels-2260285/

Anthony v Meacher-Jones & Co Ltd. **A3/2021/0929** – Successfully defending a High Court claim under s.263 of the Companies Act 2006, and the subsequent appeal.

Broderick v Broderick – A high-value partnership claim in the High Court, acting for a famous sculptor and his wife via her litigation friend against their son in a dispute relating to ownership of works of art

Nuneaton & North Warwickshire Riding for the Disabled Association v Nuneaton & Bedworth Borough Council (2014), 3BM30531 – Representing the local authority in a case receiving substantial local publicity in a claim brought by a charity in the High Court seeking a new business tenancy, rectification of a deed of trust entered into by the charity trustees and involving complex legal argument on amendment of a statement of case under CPR 19.5 outside a statutory limitation period under the Landlord and Tenant Act 1954.

Kaushal v The Northwest Fund for Business Loans LLP (Acting by NW Loans Ltd. as General Partner) HC-2016-001194 (2016) – A successful application for summary judgment/strike-out of a misrepresentation claim arising from a multi-million pound commercial settlement agreement between a loan company and a bankrupt based on a dispute about insolvency jurisdiction/COMI, heard before Master Clarke. Advising a well-known property developer on his liability to pay under an overage agreement in building a housing estate on land outside Derby, worth roughly £15 million, involving interpretation of the agreement, and advice as to the validity of the title of the potential claimant.

G & A Properties (UK) Ltd v Rolland [2015] EWHC 939 (Ch) – A substantial breach of contract and fraud claim regarding a fraudulent property investment scheme, successfully defended, with findings of fraud after cross-examination of the claimant.

