



Fountain Court

Michael Lerego QC

Call:
1972

QC:
1995

Email:
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Practice Areas:

Commercial litigation and arbitration, especially banking, insurance, professional negligence, building & construction and employment.

Education:

Manchester Grammar School
Haberdashers' Aske's School, Elstree
Keble College, Oxford (MA, BCL)

Appointments:

Recorder (Crown Court and County Court)
Joint Head of Chambers (2003 - 2007)
Professor, The College of Law

Other Qualifications:

Fellow of the Chartered Institute of Arbitrators
Fellow of the Higher Education Academy

Professional Experience:

Commercial litigation and arbitration.

Practice:

Banking & Finance:

Most aspects of banking litigation, including disputes about terms of loan facilities, enforcement of security, advice by banks and whether payments have been properly authorised by the customer. Appeared for National Westminster Bank in National Westminster Bank plc v Gill [2001] UKHL 44 in which the House of Lords laid down guidelines for banks to follow when taking security from a wife to support her husband's borrowing and in 2002-2004 for Lloyds TSB Bank in claims against that bank by Bournemouth Football Club and to enforce a director's guarantee. Wrote



part of the original chapter on Bills of Exchange in Brindle & Cox, 'The Law of Bank Payments', and edits that chapter in later editions.

Commercial Litigation:

Advises on most forms of contractual drafting and disputes. Appeared for the successful second defendant in Michael Gerson (Leasing) Ltd v Wilkinson [2001] QB 514, the leading Court of Appeal authority on the passing of property on a re-sale by a seller remaining in possession of goods. Also appeared in Mostcash plc v Fluor Ltd [2002] EWCA Civ 975 (interpretation of settlement agreements) and Bournemouth & Boscombe AFC Ltd v Lloyds TSB Bank plc [2003] EWCA Civ 1755 & [2004] EWCA Civ 935 (effect of an invalid notice to terminate a contract & orders for costs against non-parties).

Arbitration:

Fellow of the Chartered Institute of Arbitrators (1997). Has been appointed sole arbitrator in about 30 arbitrations under Lloyd's Arbitration Scheme.

Insurance & Reinsurance:

Advises on wording of insurance contracts. Arbitrator under Lloyd's Arbitration Scheme, above.

A regulatory editor of The Encyclopaedia of Insurance Law.

Public Inquiries:

Represented former Ministry of Agriculture, Fisheries & Food Ministers (principally Mr MacGregor, Mr Gummer, their junior ministers and Mrs Browning) at the BSE Inquiry (1999-2000).

Employment:

Advises on injunctions to restrain strike action.

Professional Negligence:

Advises and acts in accountants, solicitors & bankers negligence cases.



Partnership:

Advises and acts in partnership disputes, including litigation concerning the format of a television game show and for the provision of fire safety services in the Middle East.

Sport:

Acted for Lloyds TSB Bank in litigation in 2002-4 arising out of the insolvency in 1997 of the company running Bournemouth Football Club.

Construction:

Appeared as junior counsel for the plaintiff in Department of the Environment v Thomas Bates Ltd [1991] 1 AC 499, decided at the same time as Murphy v Brentwood DC, in which the House of Lords defined the circumstances in which a builder may be liable in tort, and as leading counsel in Mostcash Ltd v Fluor Ltd [2002] EWCA Civ 975, litigation in the Technology & Construction Court about the design & construction of a paper manufacturing & recycling plant.

Notable Cases:

Bournemouth & Boscombe AFC Ltd v Lloyds TSB Bank plc (No 2) [2004] EWCA Civ 935 - Costs against non parties

Bournemouth & Boscombe AFC Ltd v Lloyds TSB Bank plc [2003] EWCA Civ 1755 - Effect of invalid notice to terminate contract

Lloyds TSB Bank plc v Hayward [2002] EWCA Civ 1813 - Insufficiency of Judge's findings of fact

Mostcash plc v Fluor Ltd [2002] EWCA Civ 975; [2002] BLR 411; 83 Con LR 1 - Settlement agreements: interpretation

National Westminster Bank plc v Gill (heard & decided with Royal Bank of Scotland v Etridge (No. 2)) [2001] UKHL 44; [2002] 2 AC 773 - Security over matrimonial home for husband's borrowing



Business Online Group plc v MCI WorldCom Ltd, Court of Appeal, 9 August 2001 -
Injunction restraining termination of telecommunications services

Michael Gerson (Leasing) Ltd v Wilkinson [2001] QB 514 -
Transfer of title to goods by seller in possession

Raybould & Co v Jameson Design Ltd, Gage, J., 3 November 2000 -
Solicitors' negligence; scope of duty & damages

BSE Inquiry 1999-2000 –
Represented several former MAFF ministers

Medcalf v Mardell, Lloyd J., 31 March 1999 -
Partnership accounts

Orange Personal Communications Services Ltd v Squires [1998] CLY 623, Court of
Appeal, 6 February 1998 -
Summary judgment; bribery of agent

Palmers Corrosion Control Ltd v Tyne Dock Engineering Ltd, Court of Appeal, 20
November 1997 –
Arbitration; stay of court action

Barker v Grant Thornton, May J., 4 February 1997 –
Accountants' negligence

TSB Bank plc v Katz [1997] BPIR 147 -
Procedure for setting aside transactions to avoid creditors

National Westminster Bank plc v Kitch [1996] 1 WLR 1316 -
Procedure for recovery of secured debt

Rexhaven Ltd v Nurse (1996) 28 HLR 240 -
Mortgagee's application for relief from forfeiture of long lease



Milburn Services Ltd v United Trading Group UK Ltd (1995) 52 Con. LR 130 -

Sub-contracts; interpretation & damages

R v Northumberland FHSA, ex p Aitchison [1994] COD 406 –

Judicial review; NHS

Department of the Environment v Thomas Bates & Son Ltd [1991] 1 AC 499 -

Builders' duty of care in tort

Chase Manhattan Equities Ltd v Goodman [1991] BCLC 897 –

Insider dealing

Huxford v Stoy Hayward (1989) 5 BCC 421 –

Accountants' negligence

Business Seating (Renovations) Ltd v Broad [1989] ICR 729 -

Contract of employment; restrictive covenant

Perrylease Ltd v Imecar AG [1988] 1WLR 463 –

Guarantee; interpretation

Alexander v Home Office [1988] 1 WLR 968 -

Discrimination; damages

Willment Brothers Ltd v NW Thames RHA (1984) 26 BLR 51 –

Bills of exchange; insolvency

R v Hillingdon Health Authority, ex p Goodwin [1984] ICR 800 –

Judicial review; NHS

Castanho v Brown & Root UK Ltd [1981] AC 557 –

Injunctions against foreign proceedings



Publications:

Contributor to 'Law of Bank Payments' (eds. Brindle & Cox), 3rd edition (2004):
chapter on Bills of Exchange.

Contributor to 'Commercial Court Procedure 2001' (2000)

Regulatory Editor, The Encyclopaedia of Insurance Law.

Contributor to Blackstone's Criminal Practice since 2008: company, investment,
insolvency, customs, revenue and social security offences.

Other Experience:

Advocacy Trainer, Inner Temple and South East Circuit

Teaches civil litigation and advocacy on the Bar Vocational Course at The College of
Law, Bloomsbury.

Governor, Wroxham School, Potters Bar (1995-2004)