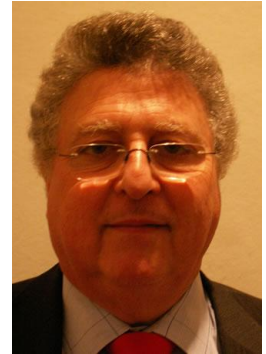




The Chambers of
Harendra de Silva QC



Alan Newman QC: Commercial / Civil Law CV

Alan Newman QC's commercial and general civil cases cover a wide spectrum of law.

He has been involved in a number of very large commercial fraud cases involving worldwide Freezing Orders (Marevas) and Search Orders (Anton Pillers), disputes as to privilege against incrimination, constructive trusts, tracing of assets, disputed arbitration clause, conspiracy to injure.

His general civil cases include the law relating to professional negligence, misfeasance, conspiracy to injure, breach of confidence, injunctions, winding up, directors disqualification orders, banking, striking out applications, limitation, receiverships, corporation tax, contempt of court, search warrants against accountants and solicitors, disclosure (including 3rd party disclosure) defamation proceedings, PII, taxation of costs, adverse possession of land, restrictive covenants, employment, insurance, reinsurance, EU law re free movement of goods and persons, VAT, election petitions.

Notable Cases

Brinks Limited v Abu-Saleh & Others (No 2)

£26 million constructive trust claim. Tracing proceeds of Brinks Mat robbery. Admissibility of evidence from criminal trial.

United Norwest Co-operatives Limited v Johnstone & Others (CA)

Multi-million pound tracing claim. Discovery in aid of Anton Piller and Worldwide Mareva. Privilege against self-incrimination

R v Lloyds of London ex parte Briggs and others

Amenability of Lloyds to judicial review proceedings.

Sonangol UEE v Lundqvist (CA)

£100 million international oil trading fraud. Impact of privilege against self-incrimination upon Worldwide Mareva jurisdiction.

Cunningham-Reid v Buchanan-Jardine (CA)

Arbitration clause. Fraud alleged. Principles applicable on application to stay proceedings.

Allied Arab Bank v Hajjar (No.2)

\$50 million banking action. Tort of conspiracy to injure. Relevant predominant purpose.

Thackwell v Barclays Bank plc

Banker's negligence. Analysis of ex turpi causa principle.

R v Dimsey; R v Allen (HL)

Corporation Tax. Deeming provisions of section 739(2) Income and Corporation Taxes Act 1988 had effect only for purposes of Income Tax Acts and had no impact on potential liability to Corporation Tax. Whether Hansard procedure breaches Human Rights

R (KeyCabs) v Plymouth Crown Court

Regulatory regime for applying for taxi licences under Town Police Clauses Act 1847. Whether actual carriage had to be identified before licence was granted

Port-Rose v Phoenix Assurance plc

All-risks insurance. Extent of insurers liability.

Meadow Schama & Co v Mitchell & Co (CA)

Estate agent. "Secret commission" cases analysed.

Hubbard v Vosper (CA)

Infringement of copyright. "Fair dealing" defence. Breach of confidence. Public interest in disclosure.

R (H) v Inland Revenue Commissioners (DC)

Tax. IR authority to seize and image computer hard drives off the searched premises. TMA 1970 s20C

Hughes v Customs & Excise Commissioners (CA)

Restraint Order. Receivers entitlement to recover costs from assets. Compatibility with ECHR

Electoral Commission v UKIP (CA)

Forfeiture of political donations. Donor not a permissible donor within Political Parties, Elections and Referendums Act 2000.

Director of Public Prosecutions v Scarlett (CA)

Restraint Order. Repatriation of assets abroad. Contempt of Court. Double Jeopardy.

A v Hoare (HL)

Lotto rapist case. Sixteen years after rape, sex attacker wins 7million on national lottery. Whether victim debarred from suing by provisions of Limitation Act 1980. *Stubbings v Webb* departed from

R v Dimsey; R v Allen (CA)

Confiscation proceedings. Meaning of "pecuniary advantage" in Criminal Justice Act 1988 section 71(5)

R v Southwark Crown Court ex parte Sorsky Defries (DC)

Accountants offices. Search warrants. Seizure of documents outside scope of warrant.

Popat v Barnes (QBD)

Negligence action against barrister arising out of criminal proceedings. Effect of failure by barrister to ensure appropriate directions from judge to jury.

Claims Direct Test Cases

Premium charged in respect of matters other than for risk of liability for costs by underwriter not recoverable under costs order.

Darker v Chief Constable of the West Midlands Police (HL)

Extent of police immunity from civil suit as regards claims of misfeasance in public office and conspiracy to injure.

Nicholls v British Broadcasting Corporation (CA)

Injunction. Confidentiality. Balancing important public interest in administration of justice against personal danger to Plaintiff.

Ojeh v Galerie Moderne Ltd

Fake lalique glass. Personal liability of Director who had "staked personal reputation" on authenticity.

Bennett v Commissioner of Police of the Metropolis

Misfeasance action. Police and CPS not entitled to general immunity from suit.

Re Greenhaven Motors Ltd (in liquidation)

Winding up. Contributory's application to vary approved settlement

Official Receiver v Hannan

Whether defective Disqualification Order under Company Directors Disqualification act 1986 was nevertheless valid.

Bennett v Commissioner of Police of the Metropolis

Issuance of a PII Certificate. Whether Secretary of State owes private law duty of care when carrying out balancing exercise.

Port v Auger

Insolvency Rules 1986. Inherent jurisdiction of Court to stay proceedings.

Goymer v Lombard North Central Wheelease Ltd (CA)

Striking out. Whether too late after action set down.

Marcel v Metropolitan Police Commissioner (CA)

Documents seized by police under statutory powers. Subpoena duces tecum. Right of owner to object to production.

Derbyshire County Council v Times Newspapers Limited (CA)

Impact of European Convention on Human Rights on defamation law. Right of local authority to sue in libel.

Bookbinder v Tebbit (No. 2)

Public interest immunity in relation District Audit service reports in libel proceedings.

Harrison v Tew (HL)

Taxation of Solicitors costs. Limited upon Courts inherent jurisdiction.

Bookbinder v Tebbit (CA)

Libel. Justification of wider meaning than that pleaded by Plaintiff. Whether permitted.

Mount Carmel Investments Limited v Peter Thurlow Limited (CA)

Adverse possession of land. Limitation of action

Powell v LB Brent (CA)

Employee. Jurisdiction to grant Injunction restraining dismissal.

Re A Company (003028 of 1987)

Locus of creditors to present Petition on just and equitable grounds.

Loosley v NUT (CA)

Interlocutory Injunction. Consideration of "clean hands" doctrine.

Thomas v NUM

Miners' strike. Extent of lawful picketing.

McMahon v Department of Education & Science

Requirement of 3 years residence for education grant; compliance with EEC law.

Church of Scientology of California v Johnson-Smith

Parliamentary Privilege. Proceedings in Parliament

European Court of Justice

Article 177 References to the European Court of Justice include: **R v Goodwin and Unstead (ECJ)** [1998] QB 883 (whether counterfeit items subject to VAT); **Stoke-On-Trent City Council v B & Q plc (ECJ)**[1993] 1 CMLR 426 (legality of Sunday trading legislation); **OUI Ltd v New Hampshire Ins. Co (ECJ)** [1992] QB 434 (reinsurance. Article 21 of the Brussels Convention); **Henn & Derby v DPP (ECJ)** [1981] AC 850 (Article 30. Prohibition on importation of pornography)

Privy Council

Trinidad: **Hazel v Reed Monza Trinidad Ltd** (construction of section 4(3) Workmens Compensation Act); **Commercial Finance Company Limited v Ramsingh-Mahabir (PC)** (Meaning of "retrenchment"); **Hearde v Mahabir Singh** (Retrospective nature of provisions of Retrenchment and Severance Benefits Act 1985. Priority of claim)

Mauritius: **Bissonauth v Sugar Fund Insurance Board** (Unjustified dismissal. Right to fair hearing);

Montserrat: **Blakes Estate Ltd v Government of Montserrat** (Compulsory land acquisition for resettlement subsequent to the volcanic eruption. Principles of valuation for compensation purposes)

Antigua: **Stanford International Bank Ltd v Lapps** (Occupation by Respondent of small strip of Government land. Subsequently required for development of airport. Validity of Government grant of lease to bank)

Jamaica: **Half Moon Bay Ltd v Crown Eagle Hotels Ltd** (Validity of restrictive covenant benefitting Half Moon Hotel)

Bermuda: **Burgess v Stevedoring Services Ltd (PC)**

(Employment. Essential services. Validity of injunction against officers and members of Union)

Hong Kong: **Tai Hing Cotton Mill Limited v Liu Chong Hing Bank Limited (No.2) (PC)**

(Hong Kong. Banking case: duty of care owed by customer. Taxation of Hong Kong appeal costs)

Singapore: **Wee v Law Society of Singapore (PC)**

(Disciplinary proceedings against ex-President of Singapore Law Society. Abuse of process. Double jeopardy)

Bermuda Court of Appeal and First Instance: long-running reinsurance litigation (**Kansa re**).