

Gary Lidington

Call: 2000
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Gary worked as a management consultant before coming to the Bar. He specialises in all aspects of commercial and property litigation and also includes professional negligence, construction and technology disputes. Gary has wide experience in the full range of commercial and commercial chancery disputes involving contractual, restitutionary, tortious and equitable claims in both the county courts and the High Court. He is experienced in all forms of Alternative Dispute Resolution. In 2002, he was a judicial assistant to the Lord Chief Justice, Lord Woolf, for a legal term. Gary is noted for his practical, commercially minded, tactically astute and client-centred approach to his work.

Commercial

Gary's interests include the full range of business disputes in particular sale and supply of goods and services, shareholders' agreements, commercial fraud, banking, partnership disputes, commercial agency agreements, guarantees and insurance. He is experienced in cross-border disputes and issues involving the conflict of laws. Reported cases include:

- **Chanton Group plc v Nagadevakumar** [2004] All ER (D) 519 – construction of a compromise agreement involving allegations of fraud.
- **Re: Matthews** [2004] EWHC 782 (Ch) [2005] BPIR 416 – successfully resisted an appeal from a bankruptcy order involving consideration of the interplay between the insolvency regime, judicial review and data protection legislation.
- **Allen v Matthews** [2006] EWCA Civ 1499 – successfully appealed against a costs order made against the appellant by the trial judge. The Court of Appeal held that although the claim had been struck out below (when the appellant had been represented by different Counsel) as a result of it not being properly constituted when issued, the costs order was wrong in principle as the claim could still be litigated.

A selection of interesting disputes include:

- A partnership dispute concerning a property portfolio worth approximately £10m and involving consideration of partnership law, trust law and quantum meruit claims.
- A dispute relating to oil and gas concessions in Slovakia.
- Advising a foreign government on the recovery in the English Courts of monies obtained by fraud.
- A family partnership dispute involving a manufacturing and property business worth more than £2m.
- A claim under the Commercial Agency Regulations in the fashion industry.
- A claim involving the sale of advertising space on London taxis.
- A claim involving the negligent provision of services in the FX markets.

Professional negligence

Gary is experienced in dealing with the full range of non-clinical professional negligence disputes, in particular claims against solicitors and surveyors arising out of property transactions and disputes, claims against accountants and solicitors in the commercial field and claims against surveyors, architects and engineers in the construction field.

A selection of interesting disputes include:

- A claim against a solicitor in respect of the alleged wrongful distribution of client monies held on trust.
- A claim against a surveyor in respect of advice in a Party Wall matter involving difficult questions of construction of the Party Wall Act 1996.
- A claim against a solicitor in respect of negligent advice given in respect of a guarantee.
- A case involving allegations of negligence against a solicitor in respect of the protection of a client's interest under a trust deed.
- A case involving the alleged negligent laying out of foundations in a major residential development.

Property & Land

Gary's practice covers the full range of real property and landlord and tenant work. His real property practice includes mortgage work (for major lending institutions and mortgagors), easements, restrictive covenants, land registration disputes, trusts of land and boundary disputes. He also regularly acts for both landlords and tenants in both commercial and residential landlord and tenant cases and has a particular interest in claims involving limitation points. He has extensive experience of appearing in the Leasehold Valuation Tribunal and is also regularly instructed in matters referred to the Adjudicator to the Land Registry and the Lands Tribunal. Reported cases include:

- **Dartmouth Court Blackheath Limited v Berisworth Limited** [2008] EWHC 350 (Ch) – Gary acted for the landlord in a case involving novel points of statutory construction of tenants' pre-emption rights under the Landlord and Tenant Act 1987.
- **ETG Developments v Noah** [2008] EWCA Civ 1499 – Gary acted for the Respondent in successfully resisting an appeal involving the construction of a deed granting a right of way on grounds other than those relied upon by the judge at first instance.

A selection of interesting disputes include:

- Acting for a major high street lender in a complex ongoing Chancery Division case involving 11 parties and centred on unresolved points of statutory construction of the rectification provisions of the Land Registration Act 2002.
- Acting for a major public body in respect of an adverse possession made by a farmer to extensive unregistered canal side land which involved consideration of deeds over 200 years old.
- Acting for a major high street lender in respect of the recovery of mortgage debt in a claim involving novel limitation points.
- A multi-party action involving parking rights in an exclusive residential development in London.
- Acting for a landlord in a bitterly fought dispute in the LVT in which the tenants were challenging service charges levied over a period of 10 years.
- Acting for the owners of a property which had been transferred to rogues as a result of fraudulent misrepresentation, resulting in rescission of the transfer.

Construction

Gary has a growing practice in the area of construction law. He acts for developers, employers and sub-contractors in the full range of building disputes in the Technology and Construction Court, the county court and by way of ADR.

A selection of interesting disputes include:

- A dispute as to the proper basis of assessment of payment for a quantum meruit due to be tried in the TCC over 2 weeks in 2009;
- A project manager's claim for fees in respect of an extensive residential development;
- A case involving the alleged negligent laying out of foundations in a major residential development;
- Representing a sub-contractor in a complex multi-party TCC claim;
- A claim involving the major refurbishment of a prestige London property worth £20m.

What others say

Gary Lidington is recommended as a leading junior for real estate litigation by Chambers & Partners. He is also recommended for professional negligence by Legal 500. The directories highlight the following:

Gary Lidington of 11 Stone Buildings is “diligent, robust and user-friendly.” His property practice encompasses mortgage work, easements, restrictive covenants, trusts of land and boundary disputes. (*Real Estate Litigation - Chambers UK 2012*)

Gary is ranked as a leading junior in the area of Professional Negligence in *Legal 500 2011*.