

BRICK COURT CHAMBERS

BARRISTERS



Peter Irvin

Year of Call 1972

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EXPERTISE

- Commercial
- Arbitration
- Mediation
- Reported Cases

"Highly rated."

- Legal 500 2017

"Very experienced."

- Legal 500 2016

OVERVIEW

Peter Irvin has a substantial practice as a senior barrister, as well as arbitrator and CEDR accredited mediator, at Brick Court Chambers.

He has wide and long experience in litigation, arbitration and mediation in a variety of commercial and other civil cases, the more recent ones which are summarised below. He has regularly appeared in courts and tribunals at every level. This is reflected in a large number of reported cases, to which reference can be made via *Westlaw*.

The main area of his practice is in the field of commerce including:

- banking,
- insurance,
- international and domestic trade and business disputes,
- professional negligence (commended in the Legal 500 in 2012-17).
- professional disciplinary tribunals,
- employment and discrimination.
- commercial arbitration (as counsel and arbitrator)
- commercial mediation (as counsel and mediator)

As a barrister he aims to combine a positive and down-to-earth approach with sound judgement and careful legal analysis, user-friendly relations with both solicitors and clients, and clear and confident advocacy, drawing on his wealth of experience to assess the tribunal and carry it with him. He makes a point of early response and being readily accessible at all times, whatever his workload.

In his role as arbitrator and mediator he aims to create a safe environment, be positive at all times, and win the confidence and trust of the parties in his impartiality, grasp of the relevant dispute, and ability to facilitate a resolution, as well as to maintain complete confidentiality throughout the process.

In appropriate cases he will accept instructions on a direct access basis. His direct access website is www.barrister-direct-access.com. Licensed

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for the conduct of litigation.

As well as being a CEDR accredited mediator he is also on the Clerksroom Scheme panel and an approved mediator for Ashford Mediation Service.

PRACTICE AREAS

Breadth and length of experience as Counsel and Arbitrator in many areas of commercial and business law, as well as professional negligence and employment.

COMMERCIAL

Commercial

Cases dealt with in recent years include:

- Challenging right of bank to withdraw banking facilities from substantial export business in breach of an implied duty to act in good faith
- Disputing bona fides of alleged trust of various properties registered in the name of notorious fraudster.
- Pursuing claim for damages for breach of distribution agreement by insisting on revised terms as a condition of supply.
- Acting for principal against agent in respect of sale of rare Ferraris
- Professional negligence claim against solicitors for mishandling winding up proceedings and incurring unnecessary costs
- Professional negligence claim against solicitors for failing to renew business tenancy
- Claim to set aside £2.5 million settlement agreement and consent order on grounds of continuing physical and economic duress and accepted repudiation
- Application for final charging orders against registered owner of property despite allegations of trustee status
- Disputing right of trustee in bankruptcy to after-acquired property
- Challenging defence of insurance company based on extent of cover
- Acting as LMAA arbitrator in charter party dispute concerning failure to load cargo
- Claim by minister against C of E bishop for negligent reference
- Claim in respect of fraudulent or negligent misrepresentation regarding status of alleged bank providing letter of credit
- Claim for negligence and breach of contract against agents acting on sale of business
- Acting for firm of solicitors to defend claim for fees for personal injury claims handling
- Claim against members of Community Association for authorised pursuit of proceedings in name of Association.
- Resisting claim for warehousing costs on grounds of breach of contract
- Acting for senior bank official in dispute involving security systems, regulatory breaches and cyber-fraud
- Claim against firm of solicitors for acting without authority on behalf of client and incurring costs liabilities
- Negligence claim against solicitors for allowing limitation period to pass in dispute between client and bank over interest rate swap contracts and regulatory breaches
- Claim by private bank for personal repayment of substantial business loan, because of shortfall on realisation of security. Defence on behalf of client based on negligence, breach of implied duty of good faith, regulatory breaches etc;
- Claim by US authorities for extradition of client from the UK or Caymans on the grounds of counterfeiting, wire fraud etc;
- Enforcing substantial outstanding interim costs orders against property in the UK belonging to notorious criminal now sheltering abroad;
- Claim against bank for mis-selling of interest rate swap contracts;
- Resisting claim by lending institution to finalise and enforce third-party debt order.
- Setting aside irregularly obtained default judgment in commercial partnership dispute.
- Claim against investment bank on behalf of senior manager dismissed for alleged failure to prevent fraud by cyber criminals.
- Defence of claim by bank to enforce security in respect of £6m property loan
- Setting aside freezing order on grounds of material non-disclosure in substantial claim to enforce alleged partnership share and associated payments;
- Professional negligence claim against solicitors by beneficiary in respect of wrongly paid IHT.
- Appeal to the CA over award of Wrotham Park damages in restrictive covenant case;

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- Enforcement of substantial costs orders against beneficial company interests after six years
- Claim against trustee in bankruptcy for wrongly claiming after-acquired property.
- Claim for breach of directors duties-admissibility of expert evidence/conflict of interest
- Various mis-selling/misrepresentation claims
- Breach of restrictive covenants following sale of care home business
- Claim for misrepresentation/breach of warranty following sale of travel business
- Claim against Iranian shipowners for repayment of £100 million ship finance loan defended on the basis of frustration etc because of EU sanctions
- Disputed ownership of £300m Mozambique mining company)
- Breach of warranty and misrepresentation claims under the share sale agreement
- Commercial agency dispute over unpaid commissions
- Unfair prejudice proceedings involving hotel company
- Professional negligence claim against financial adviser
- Advising on PC Appeal from BVI re finance for telecom operations in Turkey
- Third-party rights claim under fidelity policy for theft of cash by security company
- Seller disputing claim for commission on rare car withdrawn from auction
- Constructive trust claim for breach of fiduciary duty in spread betting business
- Claim to enforce loan agreement in connection with offshore tax scheme
- Mortgage claim defended on the basis of forgery of mortgage deed
- Challenge by property developers to claim by bank for early repayment of loan facility based on 'events of default' and counterclaim for mis-sold interest rate swap contracts
- Claim to enforce US \$42 million shipbuilding facility
- £2 million constructive trust and damages claim by underwriters against insurance agents and other
- Constructive trust /fraud claim against directors of insolvent auction house
- Insurance broker's negligence in respect of storm damage cover for motor racing track
- Successfully resisting claim under £30 million guarantee in favour of Port authority
- Letter of request and depositions for US company in patent dispute
- Enforcement of maritime lien for unpaid port dues in France by British ferry company
- Dispute between shareholders and directors of international finance companies
- Right to enforce English judgment in Greece
- US \$12 million salvage dispute/arbitration
- Enforce by salvage company of third-party rights under charterparty
- Claim to enforce US \$42 million shipbuilding facility
- Misrepresentation claim in joint-venture/partnership dispute between solicitors
- Whistleblowing and compensation claim against multinational construction company
- Various solicitors partnership disputes
- \$200 million constructive trust/contract dispute over rights to oil pipeline project in Iraq
- Appeal regarding enforcement of US \$1.5m arbitration award outside limitation period
- Derivative action against company director
- Claim by company against sales agent for breach of fiduciary duty/secret profits

Professional negligence

Various cases for and against solicitors, investment advisers, banks and insurance brokers.

EU/Competition

Successfully defending commercial court claim for damages for anti-competitive practices in the Liner Trade (also in Court of Appeal)

ARBITRATION

- *Counsel in appeal out of time against LMAA award on grounds of recent discovery of perjured evidence;*

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- *LCIA Arbitrator in demurrage dispute;*
- *Counsel in ICC Arbitration over right to use name of well-known accountancy firm;*
- *Arbitrator in dispute between local authority and developer;*
- *Acting as Counsel for salvage company in respect of US \$12 million salvage dispute/arbitration;*
- *LMAA Arbitrator in charterparty dispute over heavy weather damage;*
- *LMAA Arbitrator in dispute over cargo damage;*
- *Counsel in LMAA arbitration on damage to ship's engine/defective bunkers*
- *Ad hoc Arbitrator in commercial agency dispute*

MEDIATION

Acting as Counsel in a number of mediations involving a variety of commercial and professional negligence disputes.

CEDR accredited mediator involved in a number of commercial mediations.

Approved mediator for Ashford Mediation Service.

REPORTED CASES

[note: only the principal cases over approximately the last 10 years are listed below. A full list of reported cases with subject matter and precise citations can be found on Westlaw under the name "Peter Irvin"]

Gill v Anami Holdings Ltd Chancery Division, 25 November 2016

Raja v Van Hoogstraten Chancery Division, 04 November 2016

Viscount St Davids v Lewis [2015] EWHC 2826 (Ch); [2015] B.P.I.R. 1471

Viscount St Davids v Lewis [2015] EWHC 831 (Ch); [2015] B.P.I.R. 907

One Step (Support) Limited v Karen Morris-Garner and another [2014] EWHC 2213 (QB)

Rowley v Dunlop [2014] EWHC 1995 (Ch)

Bank Melli v Shere Shipping [2013] EWHC 2321

Skiathos Touristiki SA v Protopapas [2011] EWHC 1234 (QB)

Templeton Insurance Ltd v Motorcare Warranties Ltd [2010] EWHC 3113 (Comm)

Kiani v Cooper Chancery Division, [2010] EWHC 577 (Ch)

Associated British Ports v Ferryways NV [2009] EWCA Civ 189

National Ability SA v Tinna Oils & Chemicals Ltd (The Amazon Reefer) [2009] EWCA Civ 1330

Walsh v Staines [2008] EWCA Civ 1324

Associated British Ports v Ferryways NV [2008] EWHC 1265 (Comm)

Top Layers Interiors Ltd v Azure Maritime Holdings SA [2007] EWHC 2844 (QB)

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Raja v Van Hoogstraten [2007] EWHC 1743 (Ch)

Walsh v Staines [2007] EWHC 1814 (Ch)

Raja v Van Hoogstraten [2006] EWHC 998 (Ch)

Ronson International Ltd v Patrick [2006] EWCA Civ 421

Tavoulaareas v Tsavlis (The Atlas Pride) [2005] EWHC 2140 (Comm); Queen's Bench Division (Commercial Court), 09 March 2006

Raja v Van Hoogstraten Chancery Division, [2005] EWHC 2890

Raja v Van Hoogstraten (Application to Reimpose Freezing Order) [2005] EWHC 2668 (Ch)

Nagpal v Dhruve [2005] EWHC 834 (Ch)

Tavoulaareas v Alexander G Tsavlis & Sons Maritime Co (No.2) [2005] EWHC 2643 (Comm)

BE Studios Ltd v Smith & Williamson Ltd (Costs) [2005] EWHC 2730 (Ch)

Tavoulaareas v Tsavlis (The Atlas Pride) Queen's Bench Division (Commercial Court) [2005] EWHC 2140 (Comm)

Ronson International Ltd v Patrick Queen's Bench Division, [2005] EWHC 1767 (QB)

Dallah Albaraka Investment Co Ltd v Metal Distributors (UK) Ltd [2004] EWHC 2008 (Comm)

Hopkins v TL Dallas Group Ltd [2004] EWHC 1379 (Ch)

Moussavi-Azad v Sky Properties Ltd [2004] EWCA Civ 1211

Tavoulaareas v Tsavlis (The Atlas Pride) [2004] EWCA Civ 48

Moussavi-Azad v Sky Properties Ltd [2003] EWHC 2669 (QB)

Arkin v Borchard Lines Ltd Queen's Bench Division [2003] EWHC 687 (Comm)

Leckstein v Menon [2003] EWHC 90 (QB)

Chabli v Abdel-Kader [2003] EWHC 1300 (QB)

Arkin v Borchard Lines Ltd (Costs: Third Party Proceedings) [2003] EWHC 3088 (Comm)

Motours Ltd v Euroball (West Kent) Ltd [2003] EWHC 614 (QB)

Raja v Van Hoogstraten Chancery Division, 4 July 2002

Nasser v United Bank of Kuwait [2001] EWCA Civ 1454

Neary v Dean of Westminster Visitor (Westminster Abbey), 09 December 1998

[1999] I.R.L.R. 288

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EDUCATION AND QUALIFICATIONS

College of Law (Bar Final)

St Edmund Hall, Oxford (BA, Oxon)

The Leys School, Cambridge

DIRECTORY QUOTES

- *"Highly rated."* (Legal 500 2017, Professional Negligence)
- *"Very experienced."* (Legal 500 2016, Professional Negligence)
- *"A first-class player"* (Legal 500 2015, Professional Negligence)
- *"Very commercial and reacts quickly."* (Legal 500 2014, Professional Negligence)
- *"highly recommended"* (Legal 500 2013, Professional Negligence)
- *"excellent"* (Legal 500 2012, Professional Negligence)