

Overview

Banking and Financial Services
 Commercial Disputes
 Consumer Credit
 Company
 Insolvency
 Professional Liability
 Tax
 International

Profile: Overview

A versatile commercial Chancery practitioner, with particular specialisms in financial services (including consumer credit) and tax. Mark works for central government and regulators, as well as private sector clients such as banks and building societies. Mark is a focused and thorough advocate and adviser, and is accessible and easy to work with.

Experience and Expertise

Mark's commercial Chancery practice covers drafting and advisory work as well as litigation in courts and tribunals. Whilst he has particular specialisms in financial services, consumer credit and tax, he has the versatility and experience to practise in a wide range of areas within the commercial Chancery arena. Mark is recommended in The Legal 500 and Chambers and Partners.

His clients include numerous financial institutions. As a member of the Attorney General's A Panel, he also does work for central government departments. One day he might be arguing a technical customs law point in the Tribunal on behalf of HM Revenue & Customs with industry wide implications for the way goods are cleared into the UK. Another, he might be advising a building society on regulatory issues arising from a multi-billion-pound mortgage portfolio.

Over the last few years Mark has been involved in an array of substantial cases. He recently represented the United Kingdom in the European Court of Justice in a tax case, known as *Kubota*, concerned with tax and the operation of the customs union. He also acted for the Financial Conduct Authority in *PDHL*, a ground-breaking case concerning a refusal of the FCA to grant authorisation to a substantial consumer credit firm with many thousands of customers. Mark has also advised a major banking group on aspects of the so-called ring fencing of retail and investment banking.

Cases and Work of Note

- Case C-545/16 *Kubota* (Reference to the European Court of Justice concerning the taxation of utility vehicles across the customs union.)
- *Nationwide Debt Consultants v Financial Conduct Authority* [2017] UKUT 0142 TCC (Significance of record keeping allegations in an application to suspend an interim permission.)
- *Maoudis v Financial Conduct Authority* (2017) BPIR 1555 (Application to suspend the ceasing of an interim permission of a debt management firm.)
- *Koksal v Financial Conduct Authority* (2016) CTLC 201 and (2017) BPIR 1517 (Tribunal reference challenging a decision refusing to authorise a credit broker. The first consideration by the Tribunal in an authorisation case of its revised jurisdiction under the Financial Services Act 2013.)
- *PDHL Ltd v Financial Conduct Authority* (2017) BPIR 1623 (Application to suspend the ceasing of an interim permission of a consumer credit firm pending a book sale. Led by Javan Herberg QC.)
- *Revenue & Customs v Smart* [2016] BPIR 1329 (Operation of the EU mutual assistance directive in the context of a bankruptcy petition. Clarifies whether the court can review the foreign claim on public policy grounds.)
- *Savant Distribution v Revenue & Customs* [2016] UKFTT 533 (TC) (Customs classification of food supplements.)
- *Alpine Electronics v Revenue & Customs* [2016] UKFTT 437 (TC) (Customs classification of electronic navigational products.)
- *Financial Conduct Authority v HFO* [2015] UKUT 0118 (AAC) (Proceedings concerning the cancellation of the regulatory authorisations of a group of debt collection firms. Led by Patrick Goodall QC.)
- Advising a major banking group on aspects of the legislation ring fencing retail and

- investment banking.
- *Atlas Property v Revenue & Customs* [2014] STI 2664 (Exempt VAT status of supplies of temporary accommodation.)
- *Insectlore v Revenue & Customs* [2014] UKFTT 368 (TC) (Customs status of butterfly storage products.)
- *Liquid Investments v Revenue & Customs* [2014] UKFTT 297 (TC) (Standing of a party to bring a tribunal appeal.)
- *Revenue & Customs v Ben Nevis (Holdings) Ltd & Ors* [2012] STC 2157 and [2014] WTLR 1 (First instance and Court of Appeal decisions concerning the interpretation of a mutual assistance treaty between the UK and South Africa and a judgment for in excess of £220 million in unpaid tax. Led by James Ayliffe QC.)
- *Pius v Chief Land Registrar* [2013] EWHC 2217 (Ch) (Representing the Ministry of Justice in a claim against a number of senior members of the judiciary. The case concerned immunity from suit, abuse of process, and extended civil restraint orders.)
- Advising the Office of Fair Trading in a high-profile case in which the licence of one of the UK largest loan brokers was revoked. The case was widely covered in the national press.
- Advising in relation to the consumer documentation of a new High Street bank being set up in the UK.
- *Revenue and Customs v Ali* [2012] STC 42 (Authority in which it was determined that HMRC has sufficient right to support a freezing order where income tax assessments have been issued, but the obligation to pay tax sought under the assessments has not yet crystallised. Led by David Chivers QC.)
- *Revenue and Customs v Harris* [2011] STI 3429 (Case concerning the status of an income tax closure notice and VAT assessments in the Bankruptcy Court.)
- Advising and representing HM Revenue and Customs in relation to various pieces of insolvency, tax and commercial litigation arising from the decision of the High Court in *Abbey Forwarding Ltd v Hone* [2010] EWHC 2029 (Ch).
- Advising in relation to litigation in the High Court of Singapore concerning the operation of dual currency swaps entered into by two high net worth individuals.
- *Office of Fair Trading v Compensation Professionals Network Limited* [2010] UKFTT 240 (GRC) (Interlocutory decision in a consumer credit licensing appeal which the OFT successfully claimed public interest immunity in respect of internal documents licence holder was seeking to inspect.)
- Advising in relation to two multi-billion-pound mergers and a transfer of business in the building societies sector during the financial crisis.
- Advising one of the clearing banks about its account terms and conditions in the run up to the so-called bank charges litigation. These terms and conditions were subsequently favourably considered by the High Court in *OFT v Abbey National & Ors* [2008] EWHC 875 (Comm).

Recommendations

Mark is recommended by The Legal 500 and by Chambers UK. Editorial comment has included the following:

- "He has an excellent bedside manner. He puts very complex things into very simple terms, he is very efficient and he gets things done." (Chambers UK 2018)
- "An excellent financial services and regulatory barrister." (The Legal 500, 2017)
- "His work is thoroughly researched and of a consistently high standard." (The Legal 500, 2017)
- "Shows meticulous attention to detail, together with clarity and precision in drafting, and has a patient, accessible and responsive manner." (Chambers UK, 2017)
- "He gets straight to the heart of the issue and is very user-friendly." (Chambers UK, 2017)
- "A responsive, diligent and impressive barrister with an expert knowledge of the law." (The Legal 500, 2016)
- he is solution oriented and offers a refreshingly pragmatic view in a topic which is highly technical.
- he is clear, patient and helpful in explaining difficult concepts, and he is prompt in responding to communications and queries.
- has enormous expertise on a theoretical and practical level.
- noted for being unassuming and very effective and bright.

- produces outstandingly user-friendly advice.
- very adaptable and extraordinarily able.
- very user-friendly in terms of complying with tight timescales.
- very knowledgeable and thorough.
- noted for ability to translate complex matters into clear and logical advice.
- provides excellent advice on the law.
- demonstrates sound commercial awareness of the issues facing our clients.
- easy to deal with, helpful and adds real value.

Publications

Mark is an editor of Wurtzburg & Mills on Building Society Law, which he co-edits jointly with colleagues, Malcolm Waters QC, Elizabeth Ovey and Henry Day.

He is also the author, along with Malcolm and Elizabeth, of Retail Mortgages: Law, Regulation and Procedure, published by Sweet & Maxwell.

Qualifications

MA Cantab (Double First) MSc Lond (Distinction, top of year)

Mark is a Scholar of Corpus Christi College, Cambridge.

Memberships

Mark is a member of the Chancery Bar Association, the Commercial Bar Association and the Financial Services Lawyers Association.

He is also a member of the Bar Council's Ethics Committee and a trustee of one of the main London homeless charities.

Other Details

VAT Registration Number: 863595875

Bar Membership Number: 46901

For More Information

Please click on the links to the left or contact a member of the clerking team.

