



Gary Lidington

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Barrister

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Gary Lidington has a strong commercial practice including civil fraud, banking and finance, energy and natural resources, company and insolvency, professional negligence and property litigation. His work covers all aspects of commercial litigation in the English courts and international arbitration in a range of forums such as the ICC and LCIA. He has a particular interest in multi-jurisdictional disputes. Gary's aim is to achieve a successful outcome for his clients by combining astute commercial advice with robust advocacy. He has carved out a reputation for turning around cases in which he has been introduced at later stages of the litigation.

COMMERCIAL DISPUTES

Gary deals with the full range of business disputes, particularly in international arbitration, sale and supply of goods and services, commercial fraud, banking, partnership disputes, commercial agency agreements, guarantees and insurance. He has wide experience of cross-border disputes and issues involving the conflict of laws. He has a growing practice in the field of energy and natural resources, including disputes relating to the ownership and operation of energy concessions, production and supply contracts and financing arrangements, both in international arbitral tribunals and the English courts. Chambers UK recommends Gary as a leading junior in Commercial Dispute Resolution.

Recent work includes:

- Acting for respondent oil companies in an ICC arbitration concerning a contractual indemnity valued at \$2 million
- Acting for the claimant oil company in an LCIA arbitration met with a counterclaim in excess of \$300 million
- Acting for an Italian leisure and food company defending a claim brought under a share purchase agreement, subject to Italian law
- Acting for the defendant to a claim for payments due and damages in respect of a property investment partnership in respect of a prestige property in London
- Acting for a road haulage company in a Competition Act claim against truck manufacturers arising out of the European Commission truck cartel proceedings

- Acting for a Canadian company in a \$7.8 million claim for royalties and under guarantees arising out of gold mining concessions in Burkino Faso
- Acting for one of the defendants to a knowing receipt claim valued at \$30 million arising out of a claim to the benefit of a substantial property development
- Acting for Bankers Petroleum Albania Limited as first junior (to Ali Malek QC) and first instructed counsel in \$54 million breach of oil supply contract claim brought by BP Oil International Limited
- Acting for the defendant private equity firm in £2 million breach of confidence claim in respect of an investment in the telecoms industry
- Acting for a care home provider in a number of linked cases giving rise to issues under the Consumer Rights Act 2015 and the liability of residents for certain fees and charges
- Acting as part of a counsel team of 5 and first instructed counsel (led by Joe Smouha QC) for a claimant oil company in \$440 million UNCITRAL arbitration against a state for breach of a Petroleum Supply Agreement
- Acting as part of a counsel team of 4 for Heritage Oil & Gas (led by Khawar Qureshi QC) in \$303 million claim brought by Tullow Uganda Limited under indemnities in a contract selling an oil concession in Uganda
- Acting as part of a counsel team of 4 (led by Alan Gourgey QC) for a major IT company in relation to claims under a multi-billion-pound government procurement contract
- Acting for the claimant in a claim arising out of the misappropriation of £1.7M from the sale of a business by one of two shareholders
- Acting in an arbitration for a former senior partner of a major accountancy firm in a claim against his former partners for £1.5 million
- Acting for respondent in the Court of Appeal in successfully resisting appeal in the leading case on the interplay between application to set aside orders made in the absence of parties at trial under CPR r39.3 and the right of appeal under CPR Part 52
- Acting for the respondent Spanish company in an appeal against the registration of a Spanish judgment with a value in excess of €4 million.

BANKING AND FINANCIAL SERVICES

Gary's banking practice covers a range of technical, trading and commercial banking disputes, including claims under the FSMA regime. He acts for and against banks in the full range of disputes and is experienced in working with in-house legal teams. He is also experienced in claims involving brokers and financial advisers, involving shares, currency trading, commodities and complex derivatives. He has a highly developed understanding of the practical and evidential issues raised by claims in this area.

Recent cases include:

- Acting for claimant high net worth individuals in respect of a claim against brokers for negligent advice as to investments into AIM listed shares
- Acting for a high-profile claimant against a major brokerage in a claim for breach of contract and negligence concerning provision of services in the FX markets
- Acting on behalf of a wealthy but inexperienced investor against an FSA regulated financial services provider in negligence and under the FSA Handbook for losses in the CFD market arising out of the financial crisis
- Acting for a major high street lender in a complex 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 high street lender in a claim against solicitors arising out of a failed property development venture worth £29 million
- Acting for a defendant firm of FSA registered financial advisors in a claim brought against them in respect of the actions and advice of a rogue employee, involving difficult vicarious liability issues
- Acting for a major high street lender in a complex case involving

unresolved points of law arising out of whether an order made in the First Tier Tribunal was made without jurisdiction, the standing of the lender in those proceedings and whether forfeiture proceedings in respect of a residential lease can be brought in reliance upon such an order

- Acting for a defendant firm of FSA registered financial advisors in a claim brought against them in respect of the actions and advice of a rogue employee, involving difficult vicarious liability issues
- Acting for a major high street lender in a complex case involving unresolved points of law arising out of whether an order made in the First Tier Tribunal was made without jurisdiction, standing in those proceedings and whether forfeiture proceedings can be brought on such an order.

COMPANY

Gary has a well-developed practice in the area of contentious company law, with a particular expertise in shareholder disputes, including s. 994 petitions.

Recent cases include:

- Acting for the claimant in a claim on a compromise agreement involving a share buyback scheme sought to be impugned by the defendant on the grounds of illegality/public policy
- Acting for the respondents to a s994 petition in a substantial family company which raises interesting questions of the reasonableness of low or no dividend policies and the extent of rights of substantial non-director shareholders in the context of family companies but outside of the context of quasi-partnerships
- Acting for the trustees of a will trust in respect of a claim to the beneficial ownership of shares in a property company on resulting trust/tracing principles in respect of funds invested without their knowledge or permission
- Acting for the respondents to a S994 petition in a successful strike-out application in the light of an expert determination clause in a shareholders' agreement
- Acting for the defendant in a shareholders' dispute involving the fight for control of a significant technology company and its subsidiary, including in successful injunctive proceedings to prevent a company meeting taking place and to prevent further shares from being issued diluting the defendant's interest, and thereafter in a successful strikeout application
- Acting for the applicant in a bitterly fought S994 petition involving a multi-million-pound quasi-partnership, due to be tried over 2 weeks and which settled the door of the court on favourable terms
- Acting for a former defendant finance director of a company relating to the AIM listing of the company in proceedings brought against him by his professional body.

INSOLVENCY

Gary has a growing practice in the area of company and insolvency law. His practice includes shareholders' disputes, directors' duties disputes, claims in bankruptcies, liquidations, administrations, disputed windings ups and related claims. He is particularly sought after to deal with multi-disciplinary insolvency disputes which include elements of property or professional negligence law.

Recent cases include:

- Acting for administrators of an oil exploration company in respect of the enforceability of certain securities and loans worth more than £3 million in a case involving the interplay of the Dutch law of contract and the English law of insolvency
- Acting for a high net worth individual and sole creditor of a company in a claim brought by liquidators against him for declaratory relief in the Companies Court arising out of connected litigation brought by him against the liquidators in Delaware

- Acting for the assignee of a directors' loan in a property development company involving contested claims to the proceeds of a property sale between the assignee and trustees in bankruptcy of two separate bankrupts
- Acted for a respondent bank in respect of a complex application to set aside a statutory demand based on guarantees of over £3 million, involving consideration of the law of agency and responsibility for acts and defaults of receivers
- Acting for a major creditor in a challenge to a settlement entered into by administrators of underlying professional negligence litigation and the costs and expenses of the administrators.

PROPERTY

Gary's practice covers the full range of real property work, including 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 commercial as well as residential landlord and tenant cases and has a particular expertise in claims involving enfranchisement and pre-emption rights. He has extensive experience of appearing in the tribunal system. Legal 500 recommends him as a leading junior in Property Litigation.

Recent cases include:

- Acting for claimants in respect of a claim to the ownership of a £5 million home involving allegations of forged trust deeds
- Acting for defendant in case regarding ownership of substantial property in north London, in which a stay on proceedings was successfully achieved on the second day of trial based on a res judicata arising out of a prior arbitration award, and acting for the defendant in connected Arbitration Act proceedings which were discontinued at the court door
- Acting for a major high street lender in a complex case involving unresolved points of law arising out of whether an order made in the First Tier Tribunal was made without jurisdiction, standing in those proceedings and whether forfeiture proceedings can be brought on such an order
- Acting for a defendant in an extremely complex 5 party dispute over the ownership of development land involving a major developer, a major provider of social housing and 30 years' worth of evidence and including a related professional negligence claim against solicitors who advised the defendant on the original transfer of the land
- Acting for a major lender in a 7-day trial of a mortgage claim involving complex issues of fraud, undue influence and unconscionable bargain
- Acting for the defendant registered owner of land against a claim for adverse possession in a 5-day trial involving difficult issues of conveyancing presumptions and evidence of the use of the land spanning 40 years
Appearing in one of the leading cases on the relevance of Article 8 of the ECHR on the enforcement of charging orders
- Acting for the landlord in one of the leading cases relating to tenants' pre-emption rights under the Landlord and Tenant Act 1987
- Acting for a major high street lender in a complex 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 the respondent in the Court of Appeal 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.

PROFESSIONAL LIABILITY

Gary is experienced in dealing with claims against professionals in the full range of non-clinical disciplines, including solicitors, barristers, accountants, tax advisors,

valuers, architects, engineers and financial professionals. By their nature many professional negligence claims settle before trial, often in mediations. He has an impressive track record of negotiating favourable settlements on behalf of his clients with insurers and their representatives, even in the most difficult cases. The Legal 500 recommends Gary as a leading junior for professional negligence.

Recent cases include:

- Acting for the defendant accountant in complex proceedings on two Tomlin Orders purportedly entered in the same case, arising out of compromised earlier professional negligence proceedings
- Acting for a claimant solicitor against a firm of solicitors and a barrister in a claim for loss of profits of her new firm arising out of advice given at court to settle earlier partnership proceedings and the terms of that settlement
- Acting for claimant high net worth individuals in respect of a claim against brokers for advice as to investments into AIM listed shares
- Acting in a series of claims against solicitors for a major high street lender in respect of lending on flats without planning permission
- Acting on a claim against insolvency practitioners, solicitors and leading counsel for advice relating to settlement of an earlier professional negligence dispute
- Acting for claimants in a claim against accountants and insolvency practitioners in respect of personal tax liabilities arising out of advice on corporate insolvency and the structuring of that insolvency
- Acting for a property developer against solicitors in a claim arising out of failure to advise on the existence of a ransom strip preventing a multi-million-pound development taking place
- Acting for a defendant firm of FSA registered financial advisors in a claim brought against them in respect of the actions and advice of a rogue employee, involving difficult vicarious liability issues
- Acting for the claimants in a claim against one of the big 4 accountants relating to the sale of off-shore tax planning schemes
- Acting for a major high street lender in a claim against solicitors arising out of a failed property development venture worth £29 million
- Acting on behalf of a wealthy but inexperienced investor against an FSA regulated financial services provider in negligence and under the FSA Handbook for losses in the CFD market arising out of the financial crisis

RECOGNITION

For many years, Gary has been recommended as a leading junior for commercial dispute resolution by *Chambers UK Bar* and for Professional Negligence and Property litigation by *The Legal 500 UK Bar*. Select recent comments in editorial include:

- *"Technically excellent and also very commercial and practical. He is able to see the big picture and the end game from the parties' perspectives and apply that to his advice."* (Commercial Litigation, *Legal 500 UK Bar 2022*)
- *"Very quickly grasps the issues and is extremely helpful and reliable." "He is very good with clients and he is both very clever and extremely able."* (Commercial Dispute Resolutions, *Chambers UK Bar 2021*)
- *"Gary is approachable yet incisive and completely and reliably on top of each brief. Has a talent for unpicking the thorniest of issues and is excellent on his feet. Analytical and always has a plan; popular with clients."* (Professional Negligence, *Legal 500 UK Bar 2021*)
- *"Able to quickly assimilate facts and give spot on legal and commercial advice."* (Property Litigation, *Legal 500 UK Bar 2021*)
- *"Excellent eye for detail, a very good advocate and very good client manner – his paperwork is first class."* (Commercial Litigation, *Legal 500 UK Bar 2021*)
- *"Hard-working and down to earth, he has a can-do attitude and good commercial judgment." "Eminently practical, he's comfortable working with clients and offers solid and grounded advice."* (Commercial Dispute

Resolution, *Chambers UK Bar 2020*)

- *“Brilliant, a good all-rounder.”* (Property Litigation, *The Legal 500 UK Bar 2020*)
- *“Accessible, creative and someone who understands exactly what makes his clients tick.” “His strengths include his ability to deal with clients in an easy, approachable manner. He quickly gains their confidence.”* (Commercial Dispute Resolution, *Chambers UK Bar 2019*)
- *“Has a real talent for challenging cases and is exceptional on his feet.”* (Professional Negligence, *The Legal 500 UK Bar 2019*)
- *“He commands attention and is extremely organised in his thinking.”* (Property litigation, *The Legal 500 UK Bar 2019*)
- *“He gets on top of facts very quickly and manages cases very well.”* (Commercial Dispute Resolution, *Chambers UK Bar 2018*)
- *“A brilliant all-rounder, whose ability to find a workable commercial solution is amazing.”* (Property Litigation, *The Legal 500 UK Bar 2017*)
- *“He is able to communicate effectively, he ‘gets’ his clients and understands what makes them tick.”* (Professional Negligence, *The Legal 500 UK Bar 2017*)
- *“He gives pragmatic and practical advice in a sensible, client-friendly way.”* (Commercial Dispute Resolution, *Chambers UK Bar 2017*)
- *“He is commercial and business-like in his outlook.”* (Commercial Dispute Resolution, *Chambers UK Bar 2017*)
- *“Responsive and hardworking.”* (Professional negligence, *The Legal 500 UK Bar 2016*)
- *“He provides excellent knowledge of the law and brilliant analytical capability.”* (Property Litigation, *The Legal 500 UK Bar 2016*)
- *“Thorough, approachable and good at managing expectations.”* (Commercial Dispute Resolution, *Chambers UK Bar 2016*)
- *“Analysis is excellent and he has persuasive command of the material.”* (Commercial Dispute Resolution, *Chambers UK Bar 2016*)

MEMBERSHIPS

COMBAR, Chancery Bar Association

POLICIES AND OTHER DETAILS

- Read Gary’s [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).