Radcliffe Chambers



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King's Counsel

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Mark Fell KC specialises in tax, banking and financial regulation disputes, with a particular focus on appellate litigation, statutory interpretation and complex regulatory regimes. He is regularly instructed in substantial matters involving financial institutions, major corporates, regulators and central government, often in cases raising issues of wider commercial, regulatory or constitutional importance.

His practice is particularly noted for disputes at the intersection of tax, public law and financial regulation. He appears regularly in the High Court, Upper Tribunal and appellate courts, and has acted in proceedings before the Court of Justice of the European Union.

Mark is frequently instructed in technically demanding disputes concerning the interpretation and operation of statutory and regulatory schemes, particularly in the fields of financial regulation, consumer finance and taxation. He is particularly sought after for cases and advice requiring detailed analysis of complex legislation and appellate advocacy in high-value or strategically important litigation.

His practice also includes substantial experience in tribunal and regulatory litigation involving complex procedural and fairness issues, including cases involving unrepresented parties.

He is ranked in Chambers UK Bar and The Legal 500 UK Bar for Financial Services Regulation, Consumer Credit and Tax. The Legal 500 describes him as "pragmatic, commercial and considered" and "a consumer credit and retail mortgages guru".

FINANCIAL SERVICES AND CONSUMER LAW

Financial services regulation and consumer finance are core areas of Mark's practice. He has extensive experience in litigation and advisory work concerning regulated mortgage activity, consumer credit, financial promotions, authorisation and perimeter issues.

Mark was closely involved in advisory and litigation work arising from the transfer of consumer credit regulation to the Financial Conduct Authority, including authorisation, perimeter and enforcement issues. He has acted in a number of the leading cases concerning the scope and operation of the UK consumer credit and

mortgage regulation regimes and is regularly instructed in disputes concerning retail banking, consumer lending and financial services legislation.

Selected recent work includes:

• Financial Conduct Authority v London Property Investments Ltd & Ors [2024] EWHC 1276 (Ch) – Acting in a second High Court trial concerning the relationship between remedial and restitution orders under the Financial Services and Markets Act 2000, and the quantification of loss arising from unauthorised activity.

• Promethean Finance Ltd v Financial Conduct Authority [2024] UKUT 229 (TCC) – Acting in Upper Tribunal proceedings concerning trading names on the financial services register and compliance with financial promotions rules.

• Financial Conduct Authority v London Property Investments Ltd & Ors [2022] EWHC 2862 (Ch); [2023] [2024] 2 BCLC 289 Bus LR 1149 – Acting in litigation concerning regulated mortgage activity and financial promotions in relation to sale and rent back arrangements.

• Acting in relation to a Competition and Markets Authority investigation concerning auto-renewal provisions in consumer contracts.

• Mason v Godiva Mortgages Ltd [2018] EWHC 3227 (QB); [2019] CTLC 1 – Acting in the first High Court authority considering the FCA responsible lending rules in the context of a damages claim under the Financial Services and Markets Act 2000.

• Chickombe v Financial Conduct Authority and Barclays Partner Finance [2018] CTLC 197 – Acting in widely reported litigation concerning the validation of a £47 million consumer credit loan portfolio brokered by an unauthorised intermediary.

• Nationwide Debt Consultants v Financial Conduct Authority [2017] UKUT 142 (TCC); [2017] CTLC 111 – Acting in Upper Tribunal proceedings concerning record-keeping allegations in authorisation litigation.

• Koksal v Financial Conduct Authority [2016] CTLC 201; [2017] BPIR 1517 – Acting in one of the first Tribunal references concerning the revised jurisdiction introduced by the Financial Services Act 2013.

TAX LITIGATION

Tax litigation forms a substantial part of Mark’s practice. He appears regularly in the Tax Tribunals and appellate courts in disputes involving VAT, customs duties, corporation and income tax and anti-avoidance legislation, frequently in cases raising public law, EU law and cross-border issues.

He has particular experience in customs and international tax disputes, including litigation before the Court of Justice of the European Union on behalf of the United Kingdom. His practice includes cases concerning customs classification, anti-dumping duties, double taxation treaties and the interaction between domestic tax legislation and EU law.

Mark is also instructed in judicial review and appellate proceedings involving HMRC and central government.

Selected recent work includes:

- Panayi & Redevco v Revenue & Customs [2026] EWCA Civ 744 – Acting in Court of Appeal litigation concerning a conforming interpretation intended to ensure UK legislation relating to ‘exit charges’ on companies and trustees leaving the UK is compliant with EU law.
- R (Martin) v Chancellor of the Exchequer [2026] STC 874 EWHC 1123 (Admin) – Acting for the Chancellor and HMRC in constitutionally sensitive judicial review proceedings heard by a Divisional Court concerning consultation obligations arising from inheritance tax reforms to agricultural

and business property relief.
- UK Care No.1 Ltd v Revenue & Customs [2026] STC 404 UKUT 90 (TCC); [2024] UKFTT 542 (TC) – Acting in litigation concerning imported losses and securitisation structures under section 327 of the Corporation Tax Act 2009.
- DHL Air Ltd v Revenue & Customs [2025] UKUT 176 (TCC); [2023] UKFTT 123 (TC) – Litigation concerning authorisation for end-use relief and the importation of aircraft into the United Kingdom.
- Volkerrail Plant Ltd & Ors v Revenue & Customs [2023] EWCA Civ 210; [2023] STC 1342 – Acting in Court of Appeal litigation concerning the compatibility with EU law of UK legislation addressing cross-border double deductions.
- Push Energy Ltd v Revenue & Customs [2022] UKUT 312 (TCC); [2023] STC 553 – Acting in an appeal concerning cooperation between domestic courts and the European Commission under the Zwartveld procedure.
- Kubota v Revenue & Customs [2021] UKUT 276 (TCC); Case C-545/19; [2022] STC 486 – Acting for HMRC and the United Kingdom in customs classification litigation progressing from the domestic tribunals to the Court of Justice of the European Union.
- Renesola UK Ltd v Revenue & Customs [2020] STC 810 – Acting in litigation concerning the validity of EU anti-dumping measures relating to imported solar panels.
- R (Awodiya) v Revenue & Customs [2019] BTC 6; [2019] STC 456 – Acting in judicial review proceedings concerning the tax credit system.
- Revenue & Customs v Ben Nevis (Holdings) Ltd & Ors [2012] STC 2157; [2014] WTLR 1 – Appearing, led by James Ayliffe KC, in appellate litigation concerning the interpretation of the UK–South Africa double taxation treaty.

BANKING AND BUILDING SOCIETY LAW

Mark has a substantial banking and building society practice, with particular experience advising financial institutions, lenders and building societies on governance, constitutional and sector-specific issues affecting the retail banking and consumer lending sectors.

He is recognised for his longstanding involvement in the mutual and retail banking sectors. His work has included advising on mortgage and loan portfolio transactions, retail banking reform, ring-fencing legislation and perimeter issues. He advised on building society mergers and restructuring during the 2008 financial crisis and continues to advise lenders and mutual institutions on sector-specific matters.

Mark was also involved during the 2008 overdraft charges litigation in redrafting the current and savings account conditions of one of the clearing banks. His current work includes governance, constitutional and payment services issues affecting building societies and mutual lenders.

His longstanding involvement in the building societies sector led to his appointment as an editor of Wurtzburg & Mills on Building Society Law, the leading practitioner text in the field, in 2010.

RECOGNITION

Mark has been recommended by The Legal 500 and by Chambers UK for more than a decade. Recent editorial comment has included the following:

- *“Mark gained knowledge of the client’s business and industry sector and pulled together complex information and legislation into a clear and commercially sensitive piece of advice.”* (Consumer Finance, *Chambers UK Bar 2026*)
- *“Mark easily grasps the legal details in a case and demonstrates great commercial awareness of the financial services industry.”* (Consumer Finance, *Chambers UK Bar 2026*)

- *"Mark Fell has an amazing ability to translate complex legal and regulatory requirements into pragmatic, commercial and user-friendly advice."* (Consumer Finance, *Chambers UK Bar 2025*)
- *"Mark is able to answer any questions that come his way."* (Consumer Finance, *Chambers UK Bar 2025*)
- *"Mark Fell has a huge amount of experience and a deep knowledge of consumer finance."* (Consumer Finance, *Chambers UK Bar 2025*)
- *"Mark Fell is personable, reliable, hardworking and innovative, and Mark's advocacy is impressive and effective."* (Tax: VAT and Excise, *Legal 500 UK Bar 2024*)
- *"Mark is a very clear and persuasive advocate. He has strong technical skills and his written work is comprehensive and persuasive."* (Finance Service Regulation, *Legal 500 UK Bar 2024*)
- *"Mark is excellent at describing complex issues in terms that are simple to understand to the layperson. He has a thoughtful approach, and constructs well reasoned and compelling arguments."* (Banking and Finance, *Legal 500 UK Bar 2024*)
- *"An effective and very pleasant advocate, who easily grapples with complex and sophisticated legal arguments."* (Consumer Law, *Chambers UK Bar 2024*)
- *"Mark is great to work with as he understands both the technical and commercial aspects of matters."* (Consumer Law, *Chambers UK Bar 2023*)
- "*Mark provides clear and sound advice. He is pragmatic, commercial and considered."* (Finance Service Regulation, *Legal 500 UK Bar 2022*)
- *"Mark really knows his stuff. He is a consumer credit and retail mortgages guru – He is able to convey his advice in a pragmatic and commercial way so that it is easily digestible by the client."* (Banking and Finance, *Legal 500 UK Bar 2022*)
- *"An intelligent and able barrister who particularly impresses with his paperwork."* (Consumer Law, *Chambers UK Bar 2021)*
- *"He is an expert in this field and has an expanse of knowledge which means he is able to provide practical and relevant examples when giving any advice."* (Finance Service Regulation, *Legal 500 UK Bar 2021*)
- *"He is a fantastic sounding board when you just need a second opinion or someone to bounce an idea off and his expanse of knowledge and expertise in the area is immense."* (Banking and Finance, *Legal 500 UK Bar 2021*)
- *"He is a highly intelligent and analytical barrister who has the ability to provide clear legal advice with commercial awareness of the practical implications."* (Consumer Law, *Chambers UK Bar 2020*)
- *"An expert in the consumer credit field, superbly responsive and supportive."* (Banking and Finance, *Legal 500 UK Bar 2020*)
- *"An extremely capable advocate able to meet the challenges of complex cases."* (Finance Service Regulation, *Legal 500 UK Bar 2020*)
- *"Extremely approachable, friendly and someone whose knowledge of the law is excellent." (Chambers UK Bar 2019)*
- *"An excellent junior barrister – one to watch." (Legal 500 2019)*
- *"Very knowledgeable, responsive and diligent, particularly in retail banking law." (Legal 500 2019)*
- *"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 Bar 2018)*
- *"An excellent financial services and regulatory barrister." (Legal 500 Bar 2017)*
- *'His work is thoroughly researched and of a consistently high standard." (Legal 500 Bar 2017)*
- *"Shows meticulous attention to detail, together with clarity and precision in drafting, and has a patient, accessible and responsive manner." (Chambers UK Bar 2017)*
- *"He gets straight to the heart of the issue and is very user-friendly." (Chambers UK Bar 2017)*
- *"A responsive, diligent and impressive barrister with an expert knowledge of the law." (Legal 500 2016)*

PUBLICATIONS AND SPEAKING

Mark is an editor of *Wurtzburg & Mills on Building Society Law*, which he co-edits with colleagues in chambers and the law firm Allen & Overy. He is also the author, along with Malcolm Waters KC and Elizabeth Ovey, of *Retail Mortgages: Law, Regulation and Procedure*, published by Sweet & Maxwell.

Mark is very happy to speak at events and lead seminars based on his areas of practice.

COMMUNITY AND PRO BONO

Mark is committed to voluntary and community-based work. Highlights of his work in this area include:

- mentoring as part of the Lincoln's Inn mentoring scheme;
- being on the Bar Council's Ethics Committee;
- chairing and being a member of the steering committee for the Radcliffe Chambers Student Barrister Experience Programme, which won the Diversity & Inclusion Initiative of the Year award at the 2018 UK Diversity Legal Awards;
- acting as a trustee of one of London's leading homeless charities.

QUALIFICATIONS

Mark read Philosophy at Corpus Christi College, Cambridge, where he secured a double first and was made a Scholar. He went on to do an MSc in Political Theory at the London School of Economics, securing a distinction and coming top of his year. Mark is a Bowen and Mansfield scholar of Lincoln's Inn.

MEMBERSHIPS

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

POLICIES AND OTHER DETAILS

- Read Mark's Privacy Notice, Data Protection Policy and Disposal Policy.