Radcliffe Chambers



Peter Dodge

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Barrister

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Peter Dodge is a commercial Chancery litigator with a broad practice in professional negligence, banking and financial services and property law.

He appeared in *Dreamvar (UK) Ltd v Mishcon de Reya*, the landmark professional negligence authority on the liability of solicitors and conveyancers in cases of property fraud. Having started his career as a fund manager at a leading investment bank, he has extensive recent experience of misselling claims relating to financial products generally and to failed or unsuitable investments in particular.

BANKING AND FINANCIAL SERVICES

The large number of misselling matters in which Peter has been instructed includes claims relating to interest rate hedging products (IRHP), collective investment schemes (both onshore and offshore and often involving geared property investments), investment bonds, structured deposits and other structured products, mortgages, pension transfers (often to a SIPP from an occupational scheme or a personal pension plan) and a variety of esoteric, anomalous and sometimes fraudulent products.

Failed investment schemes giving rise to claims in which Peter has been instructed include The Corran Resort and Spa, Laugharne (Kayboo), Needham House Hotel and Hever Hotel (Oak companies), various schemes associated with Northern Powerhouse Developments, Westbeach Holiday Park (Green Park branded companies) and 4 Great Moor Street, Bolton (Mederco).

In recent years, Peter has appeared perhaps more often than any other member of the Bar in cases concerning a claimant's date of knowledge for limitation purposes in the context of financial advice.

Peter's career in fund management began as part of a small team advising two offshore unit trusts and a UK authorised energy unit trust on investment in commodities and natural resource shares worldwide. He then joined his bank's institutional funds department, this managing UK equity and fixed interest portfolios on behalf of pension funds, charities, two quoted investment trusts and an authorised income unit trust. He also advised building societies and local authorities on their holdings of short-term money market instruments. He completed the London Business School's Investment Management Programme.

On coming to the Bar, Peter joined the Chambers of Timothy Lloyd QC (later Lloyd LJ) at 11 Old Square, often referred to as "the building society set" because of its

expertise in the field of secured residential lending.

Reported or notable cases:

- *Pine v DKLM LLP* (ChD) – Acting for two firms of solicitors in defending a claim by mainly Far Eastern clients who had invested in hotel room schemes
- *CNM Estates (Tolworth Tower) Ltd v VeCREF I SARL* [2018] EWHC 2838 (Comm) – Acting for the developer of a £250 million project in a claim against the original senior lender relating to the exercise of rights under the loan and security agreements
- *X and Y v Z Ltd* – Acting for an authorised introducer of potential UK targets to international private equity investors in an LCIA arbitration arising from an investment in the West End leisure sector
- Acting for the authorised UK associate of a US investment bank in connection with the voluntary interview of a US based employee of the US bank as part of an FCA investigation
- *Flex-E-Vouchers Ltd v Royal Bank of Scotland plc* [2016] EWHC 2604 (QB) – Acting for a commercial borrower in a claim arising from the sale of a plain vanilla interest rate swap; duties of a bank to its customer in its conduct of the FCA's IRHP Review
- Advising a life office on handling various complaints concerning the administration of pension and other products
- *Anderson v Openwork Ltd* [2015] EW Misc B14 – Acting for an investor in a claim arising from the sale of an unregulated structured deposit product; existence and scope of a common law duty of care
- *Jacobs v Sesame Ltd* [2015] PNLR 6; [2015] CLY 1773, CA– Acting for an investor in the leading recent appeal on the date of knowledge provisions of section 14A (Limitation Act 1980) in the context of the provision of financial advice
- *Graves v Capital Home Loans Ltd* [2014] CTLC 233; [2015] 1 P & CR DG17; [2015] CLY 169,CA – Acting for a mortgage lender in one of the few authorities considering the unfair relationships provisions of the Consumer Credit Act in the context of mortgage enforcement
- *Evans v Santander UK plc* [2013] EW Misc B55 – Acting for an investor in a misselling claim arising from the sale of an investment bond; investor's date of knowledge for the purposes of section 14A (Limitation Act 1980).
- *Williamson v Governor of the Bank of Scotland* [2006] BPIR 1085; [2006] CLY 2385– Acting for the guarantor of an accountancy partnership's overdraft facility in an application to set aside a statutory demand
- *Townsend and Rayner v The Financial Services Authority* FIN/2003/0017/0018 – Acting for two IFAs in references from decisions of the Regulatory Decisions Committee relating to their conduct of the Pension Review

PROFESSIONAL NEGLIGENCE

For details of Peter's experience of misselling and other claims against financial professionals, see his Banking and Financial Services profile.

As to claims against other professionals, Peter acts for not only claimants but also defendants and their insurers in a wide range of matters, including claims arising from conveyancing, secured lending and other property transactions.

Peter has appeared in three of the important recent line of cases involving claims against solicitors for breach of trust, breach of warranty of authority or breach of duty of care in respect of losses resulting from identity fraud: *Ikbal v Sterling Law, Dreamvar (UK) Ltd v Mishcon de Reya* (led by Jeremy Cousins KC) and *Ashraf v Lester Dominic Solicitors* (led by Jeremy Cousins KC).

Peter is frequently instructed to attend the mediation of professional negligence claims. Whilst employed as a fund manager, he was awarded the ACCA Certified Diploma in Accounting and Finance.

Reported or notable cases:

- *Owadally v Planology Ltd* [2023] EWHC 339 (KB) – Acting for a firm of planning consultants in defending a claim by owners of a listed building convicted of offences under planning legislation; applicability of the defence of illegality/*ex turpi causa*
- *Ashraf v Lester Dominic Solicitors* [2023] EWCA Civ 4, CA – Acting (led by Jeremy Cousins KC) for a firm of solicitors in defending a claim by a non-client arising from an application by a lender for registration of a transfer later alleged to have been forged; existence and scope of a duty of care
- *CNM Estates (Tolworth Tower) Ltd v VeCREF I SARL* [2020] 2 CLC 243; [2020] PNLR 27 – Acting (led by Jeremy Cousins KC) for the developer of a £250 million project in a claim against receivers arising from their exercise of a power of sale; applicability of exemption clauses in underlying finance documents
- *P & P Property Ltd v Owen White & Catlin llp ("Dreamvar")* [2019] Ch 273; [2018] 3 WLR 1244; [2018] 4 All ER 277; [2018] Bus LR 1668; [2018] Lloyd's Rep FC 445; [2018] PNLR 29; [2019] 1 P & CR 1; [2018] CLY 1637, CA – Acting (led by Jeremy Cousins KC) for a firm of solicitors at first instance ([2016] EWHC 3316 (Ch)) and in the Court of Appeal in the leading case on the interpretation of the Code for Completion by Post, solicitor's negligence liability in conveyancing transactions, and the scope for claims for breach of warranty of authority
- *Tomlinson v Lawvue Solicitors* [2018] EWHC 3623 (QB) – Acting for a firm of solicitors in defending a claim arising from the grant of mortgages over flats which had been converted without planning consent
- *Ikbal v Sterling Law* [2014] PNLR 9 – Acting for a purchaser in a claim against his conveyancing solicitors in respect of losses resulting from identity fraud
- *Horler v Rubin* [2013] 1 BCLC 1; [2012] BPIR 749; [2012] CLY 1846, CA – Acting (led by Keith Rowley KC) for a member of an investment partnership in a claim against his former partner's trustee in bankruptcy arising from the sale of shares which were partnership assets; extent of a proxy's authority at a creditors' meeting

PROPERTY LITIGATION

For details of Peter's experience of claims arising from failed or unsuitable property investment schemes, see his Banking and Financial Services profile. For details of his experience of professional negligence claims arising from property transactions, see his Professional Negligence profile.

In the field of property litigation generally, Peter has acted for a wide range of clients including banks and other mortgage lenders, developers, institutional landlords, business and agricultural tenants, investors in portfolios of residential ground rents, local authorities and office holders such as the court appointed manager of a farming partnership. He has been instructed in numerous cases concerning the enforcement of mortgages and the management of residential and other property investment portfolios.

Reported or notable cases:

- *Graves v Capital Home Loans Ltd* [2014] CTLC 233; [2015] 1 P & CR DG17; [2015] CLY 169,CA – Acting for a mortgage lender in one of the few authorities considering the unfair relationships provisions of the Consumer Credit Act in the context of mortgage enforcement.
- *Design Progression Ltd v Thurloe Properties Ltd* [2005] 1 WLR 1; [2004] 2 P & CR 31; [2004] L & TR 25; [2004] 1 EGLR 121; [2004] 10 EG 184 (CS); (2004) 101(12) LSG 36; Times, March 2, 2004; [2004] CLY 2510 (Application to Amend) [2004] EWHC 383 (Ch) – Acting for the landlord of retail premises in a claim concerning an application for consent to an assignment; circumstances in which exemplary damages can be ordered
- *R v Southwark LBC ex p Mason* [2000] 7 WLUK 313 – Acting for legally aided parties in resisting the enforcement of a costs order made in an

application for judicial review of a local authority's offer of accommodation

- *Samuel v Fatih* [2000] 80 P & CR D45, CA – Acting for a residential property owner who was held to have acquired a vehicular right of access to his garage by way of lost modern grant

COMMERCIAL LITIGATION

For details of Peter's experience of claims in the financial sector, see his Banking and Financial Services profile.

As a Chancery practitioner, Peter has acted in numerous cases involving the commercial application of trust or other equitable principles and trust-based remedies.

Reported or notable cases:

- *Buckingham Homes Ltd v Rutter* [2019] EWHC 1760 (ChD) – Acting (led by Jeremy Cousins KC) for a company in a claim against former directors for breach of fiduciary and other duties in relation to property transactions; applicability of the principle in *Re Duomatic Ltd*.
- *Mirrorstoke LLP v Lilac Ltd* [2020] EWHC 831 (Ch) – Acting for the former and current owners of a hotel in defending a claim for the repayment of sums advanced by an exempt property unit trust (EPUT)
- *Dymoke v The Association for Dance Movement Psychotherapy UK Ltd* [2018] EWHC 94 (QB) – Acting for a company limited by guarantee in defending a claim arising from the exercise of a discretionary power vested in the directors to terminate membership
- *Public Trustee v Bailey* [2005] EWHC 3524 (Ch) – Acting for a party to a deed of variation in a claim involving an allegation of undue influence made by another party
- *Butterworth v Soutter* [2000] BPIR 582; [2001] CLY 3717 – Acting for a trustee in bankruptcy seeking costs following an agreement for annulment between the petitioning creditor and the bankrupt

RECOGNITION

- *"Peter has in-depth knowledge of financial services litigation"* (Banking and Finance, *Legal 500 UK Bar 2026*)
- *"Peter Dodge is the walking encyclopedia on breach of undertaking and breach of trust or cases involving fraud purchase. He has been excellent."* (Professional Negligence, *Chambers UK Bar 2026*)
- *"He does not disappoint in delivering excellent advice."* (Professional Negligence, *Chambers UK Bar 2025*)
- *"Excellent advocate, excellent drafting skills and a pleasure to work with."* (Professional Negligence, *Legal 500 UK Bar 2024*)
- "Peter is my go-to barrister for professional negligence. He can be relied on particularly in complex cases that traverse several niche areas of professional and financial disputes and regulatory matters." (Professional Negligence, *Chambers UK Bar 2024*)
- "Peter Dodge has a strong niche in property fraud work." (Professional Negligence, *Chambers UK Bar 2024*)
- "*Peter's strengths are in knotty financial / regulatory areas and professional negligence generally. He has very good rapport with clients, particularly legally unsophisticated / inexperienced clients (both claimants and defendants). He is also not afraid to give very strong advice on prospects etc. He also builds good rapport with judges and has a persuasive but friendly tone with them."* (Professional Negligence, *Legal 500 UK Bar 2023*)
- "*His advocacy is excellent, and his analysis is always detailed and rational.*" (Professional Negligence, *Legal 500 UK Bar 2022*)
- "*Peter is an excellent Barrister, detailed, accurate, thorough and a very good and responsive advocate.*" (Professional Negligence, *Legal 500 UK Bar 2021*)

- *"He is very user-friendly."* (Professional Negligence, *Legal 500 UK Bar 2020*)
- *"He has good client skills; he is reassuring, calm and clear."* (Professional Negligence, *Legal 500 UK Bar 2019*)
- *"Exceptional."* (Professional Negligence, *Legal 500 UK Bar 2017*)

PUBLICATIONS AND SPEAKING

Peter regularly writes and speaks on his principal areas of practice.

Publications include:

- Steaming away from Canada Steamship? The interpretation of exemption clauses in finance documents J.I.B. & F.L. 2021, 36(5), 325-328 (Butterworths Journal of International Banking and Financial Law) (co-author with Jeremy Cousins KC)
- Activist investors: persuasion and pressure PLC Mag. 2019, 30(5), 5-6 (PLC Magazine)
- Tackling Unfair Practices in the Leasehold Market: The PPI of the Housebuilding Industry? (2018) 22 L & T Rev (2) 54 (Sweet & Maxwell Landlord & Tenant Review)
- Redress due to insolvent companies: set-off and floating charges (2018) 1 JIBFL 16 (Butterworths Journal of International Banking and Financial Law)
- Consequential loss exclusions in financial misselling claims (2017) 5 JIBFL 277 (Butterworths Journal of International Banking and Financial Law)
- Commercial Bar Association (Combar) Brexit Report (Financial Services Sub-Group) (contributor), 24 January 2017
- Trust game J. 2014, 158(36), 18-19,21 (Solicitors Journal) (co-author with Grant Crawford)
- REIT up your street? Real estate investment trusts and the Finance Act 2012 & T. Review 2013, 17(2), 51-55 (Landlord & Tenant Review)
- Turn over a new lease I.P. 2012, 38(Mar), 12-13,15 (Property in Practice)
- William Woodfall – who do you think he was? & T. Review 2011, 15(4), 121-125; L. & T. Review 2011, 15(6), 211-215 (Landlord & Tenant Review)
- When partners fall out L.J. 2011, 39(Sep/Oct), 2-4 (Commercial Litigation Journal)
- A breaking wave? L.J. 2011, 36(Mar/Apr), 18-21 (Commercial Litigation Journal
- Managing your expert Sol. 2009, 1(Aut), 6-8 (Today's Solicitor)
- Managing your expert & T. Review 2009, 13(3), 100-103 (Landlord & Tenant Review)
- Ultimate Leisure Ltd v Tindle (Case Comment) & T. Review 2008, 12(1), 13-15 (Landlord & Tenant Review)

Speaking engagements include:

- Cryptoassets as investments: What if it all goes wrong? (panel member), Chancery Bar Association's Guernsey Conference, St Pierre Park Hotel, 4 November 2022
- Mortgages in 2021 LexisNexis® Webinars, 31 August 2021
- The Wobling Fund: A crypto case study (panel member), Chancery Bar Association Jersey Conference, Pomme d'Or Hotel, 7 November 2019
- Gibraltar & Brexit – The funds and investment sectors (panel member), Chancery Bar Association's Gibraltar Conference, Sunborn Gibraltar, 12 October 2017
- Financial Regulation After Brexit (panel member), Commercial Bar Association (Combar), London, 14 March 2017
- Chancery Limitation Periods (with Andrew Brown), Chancery Bar Association New Practitioners' Programme, London, 28 February 2017
- The operation of s 14A of the Limitation Act 1980 in financial mis-selling claims The Chancery Bar Guernsey Seminar, Duke of Richmond Hotel, 17 October 2013

QUALIFICATIONS

- MA (Cantab), Exhibitioner of Corpus Christi College
- Diploma in Law, Polytechnic of Central London (now University of Westminster), Commendation
- Inns of Court School of Law, The Everard Ver Heyden Foundation Prize for Advocacy
- Qualified to undertake Direct Access work

MEMBERSHIPS

- Chancery Bar Association
- Commercial Bar Association (Combar)
- Financial Services Lawyers Association (FSLA)
- Society of English and American Lawyers (SEAL)
- Selden Society

POLICIES AND OTHER DETAILS

- Read Peter's Privacy Notice, Data Protection Policy and Disposal Policy
- VAT Registration Number: 628226146
- Bar Membership Number: 29009