



## Peter Dodge

Call: 1992

### Barrister

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**Peter Dodge** specialises in banking and financial services, property and professional liability disputes. Having started his career as a fund manager at a leading investment bank, he has a particular interest in matters concerning asset management and investment products. He has appeared in a number of leading cases across his areas of expertise including, most recently, *Dreamvar (UK) Limited v Mishcon de Reya* in the Court of Appeal, a highly significant case on professional negligence and fraud.

#### BANKING AND FINANCIAL SERVICES

Peter is known for his extensive experience of mis-selling claims and other matters relating to the sale and distribution of financial products. In recent years, he 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 (including in the Court of Appeal in one of the leading recent authorities).

Peter also has extensive experience of acting for banks, building societies and other lenders, as well as for borrowers, in disputes concerning the enforcement and validity of mortgages and guarantees (many such disputes involving issues of subrogation).

Peter began his career at a leading investment bank advising trusts and private clients on investment in commodities and natural resource shares worldwide. He then joined the bank's institutional funds department where he managed UK equity and fixed interest portfolios on behalf of pension funds, charities, two quoted investment trusts and an authorised unit trust in the income sector. He also advised building societies and local authorities on their holdings of short-term money market instruments. He has completed the London Business School's Investment Management Programme.

Peter's recent work has concerned interest rate hedging products (including issues of consequential loss under the FCA's IRHP Review), collective investment schemes (both onshore and offshore and often involving geared property investments), investment bonds, structured deposits and other structured products, mortgages, pension transfers and a variety of esoteric, anomalous and sometimes fraudulent products.

A significant proportion of Peter's financial mis-selling practice concerns pension products. He has been instructed in numerous recent claims brought by members of occupational schemes or holders of personal pension plans who have been persuaded to invest (usually via a SIPP) in a variety of failed or fraudulent ventures. Many such claims involve issues as to the obligations and potential liability of the SIPP operator.

Issues of principle arising in claims in which Peter has acted include:

- the distinction between the provision of information and the giving of advice
- the extent of the liability of firms for the acts and omissions of their appointed representatives (whether under section 39 of FSMA or the common law of agency)
- whether a client can enforce against an authorised limited company a regulatory undertaking given to the FSA in respect of claims arising while its principal was still a sole trader
- the extent of the responsibilities of SIPP operators when facilitating unsuitable or detrimental SIPPs.

Matters in which Peter has been instructed include:

- Acting for an authorised introducer of potential UK targets to international private equity investors in an 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 in a claim arising from the sale of a plain vanilla interest rate swap and raising issues as to the 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 in an appeal arising from the sale of an unregulated structured deposit product and raising issues as to the existence and scope of a common law duty of care
- *Jacobs v Sesame Ltd* [2014] EWCA Civ 1410; [2015] PNLR 6 – Appearing 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] CTLR 233 (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 in a mis-selling claim arising from the sale of an investment bond and raising issues as to the investors' date of knowledge for the purposes of section 14A (Limitation Act 1980).

## **PROFESSIONAL LIABILITY**

Peter's professional negligence practice reflects his other core practice areas. In addition to his involvement in claims against financial practitioners, Peter acts not only for claimants but also for defendant professionals and their insurers in matters arising from conveyancing, secured lending and other property transactions. In appropriate cases, Peter is happy to accept instructions under the Public Access Scheme.

He has appeared in two of the recent line of cases involving claims against solicitors (including for breach of trust and breach of warranty of authority) in respect of losses resulting from identity fraud: *Dreamvar (UK) Ltd v Mishcon de Reya* (with [Jeremy Cousins QC](#)) and *Ikbal v Sterling Law*. He is frequently instructed to attend the mediation of professional negligence claims.

As a litigator, Peter is well placed to advise on liability on the part of barristers, including under the wasted costs jurisdiction. Similarly, partly as a result of his background experience, Peter accepts instructions in relation to claims against accountants and auditors.

A significant part of Peter's practice concerns claims against financial practitioners, actuaries or pensions consultants, such claims often arising from allegations of poor investment advice or the mis-selling of financial products. Depending on the circumstances, such allegations can be framed in terms of negligence, misrepresentation, breach of fiduciary duty or breach of the statutory duties created by FSMA. Peter is happy to advise on alternative remedies, including complaints to the FOS.

Peter also has experience of pure regulatory matters; examples including the scope of the FOS jurisdiction in cases pre-dating FSMA and the responsibilities of IFAs under the Pensions Review. He has appeared before the FSA's Regulatory Decisions Committee and the Financial Services and Markets Tribunal.

Peter's recent experience in this includes:

- *Dreamvar (UK) Limited v Mishcon de Reya* [2016] EWHC 3316 (Ch); [2018] PNLR 29 – Appearing for the defendant law firm at first instance 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
- *Flex-E-Vouchers Ltd v Royal Bank of Scotland plc* [2016] EWHC 2604 (QB) – Acting in a claim arising from the sale of a plain vanilla interest rate swap and raising issues as to the duties of a bank to its customer in its conduct of the FCA's IRHP Review
- *Jacobs v Sesame Ltd* [2014] EWCA Civ 1410; [2015] PNLR 6 – Appearing 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] CTLR 233 (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 in a mis-selling claim arising from the sale of an investment bond and raising issues as to the investors' date of knowledge for the purposes of section 14A (Limitation Act 1980)
- *Ikbal v Sterling Law* [2013] EWHC 3291 (Ch); [2014] P.N.L.R. 9 – Appearing in a significant claim against solicitors in respect of losses resulting from identity fraud.

## **PROPERTY LITIGATION**

Peter's property practice includes cases concerning the enforcement of mortgages and the management of property investment portfolios. He appeared for the lender in the Court of Appeal in *Graves v Capital Home Loans Ltd*, one of a small number of authorities on the unfair relationships provisions of the Consumer Credit Act in the context of mortgage enforcement.

He also has extensive experience of disputes concerning challenges to the validity of contracts for the sale of land, business and residential tenancies; agricultural holdings, easements; restrictive covenants; overage agreements; party walls; and the payment of fees for the conduct of rating appeals.

Within the field of property litigation, 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. In appropriate cases, Peter is happy to accept instructions under the Public Access Scheme.

Peter's recent reported cases include:

- *Dreamvar (UK) Limited v Mishcon de Reya* [2016] EWHC 3316 (Ch); [2018] PNLR 29 – Appearing for the defendant law firm at first instance 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
- *Graves v Capital Home Loans Ltd* [2014] CTLR 233 (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.

## **BUSINESS DISPUTES**

Commercial dispute resolution (with a particular emphasis on the banking and financial services sector) is one of the core areas of Peter's practice. Having worked in investment banking, he has a particular interest in matters involving asset management or the sale of investment products.

He also has extensive experience of disputes concerning the validity and enforcement of guarantees; the sale of businesses and shares; bribery and other types of fraud, the dissolution of partnerships and the sale and supply of goods and services.

His recent reported cases include acting for a company limited by guarantee in a claim arising from the exercise of a discretionary power vested in the directors to terminate membership in *Dymoke v The Association for Dance Movement Psychotherapy UK Ltd* [2018] EWHC (QB).

In addition to commercial disputes in the banking and financial services sector, Peter has acted in various cases involving the commercial application of trust or other equitable principles. Furthermore, Peter's expertise in the field of investment overlaps with those practice areas where clients tend to make extensive use of investment products and services: in particular, charities and private clients.

Within the field of commercial dispute resolution, Peter has acted for a wide range of clients including banks and other mortgage lenders, independent financial advisers, office holders such as liquidators and administrators, corporates trading in a variety of sectors and insurers. In appropriate cases, Peter is happy to accept instructions under the Public Access Scheme.

## **RECOGNITION**

- *"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 speaks and writes on his areas of interest, and sees thought leadership as an important part of the service he offers his clients. His forthcoming and recent speaking engagements include:

- Conference: Collective investment schemes, [MBL Financial Mis-Selling - 2019 Conference](#), London, 3 April 2019
- Conference: Prof neg and Property fraud (workshop with [Jeremy Cousins](#))

- [QC](#), [Property Bar Association Conference 2018 – Fraud and Equity for Property lawyers](#), London (Gray’s Inn), 27 November 2018
- Webinar: [Collective investment schemes](#)(co-presenter), LexisNexis Webinars, 13 September 2018
- Webinar: [Dreamvar – Mishcon de Reya appeal was allowed!](#)(with [Jeremy Cousins QC](#)), Bold Legal Group/Lawyer Checker/Today’s Conveyancer, 1/4 June 2018
- Webinar: [Mortgages in 2018](#)(co-presenter), LexisNexis Webinars, 8 May 2018 ([YouTube preview](#))
- Conference: [Dreamvar Appeal Update](#) (with [Jeremy Cousins QC](#)), [Bold Legal Group/Modern Law Conveyancing Conference 2018](#), London (Royal College of Physicians), 2 May 2018
- Conference: [Fraud during the conveyancing process and critical advice for solicitors](#) (with [Jeremy Cousins QC](#)), sg Legal conferences and webinars: [Hot Issues in Property Transactions](#), London (Grange White Hall Hotel), 31 January 2018
- Webinar: [Residential property law yearly round up \(2017\)](#)(co-presenter), LexisNexis Webinars, 23 November 2017 ([YouTube preview](#))
- Conference: [Panel Session: Gibraltar & Brexit – The funds and investment sectors](#), Chancery Bar Association’s Gibraltar Conference (Sunborn Gibraltar), 12 October 2017
- Seminar: [Conveyancing Fraud and Solicitors’ Liability](#) (with [Jeremy Cousins QC](#)), London (Arundel House), 25 May 2017
- Talk: [William Woodfall – who do you think he was? Dr Johnson’s Bluestocking Salon](#), London (Dr Johnson’s House), 18 May 2017
- Seminar: [Conveyancing Fraud and Solicitors’ Liability](#) (with [Jeremy Cousins QC](#)), Nottinghamshire Law Society, Nottingham (Browne Jacobson LLP), 26 April 2017
- Webinar: [Mortgages in 2017](#)(co-presenter), LexisNexis Webinars, 20 April 2017 ([YouTube preview](#))
- Seminar: [Financial Regulation After Brexit](#) (panel member), Commercial Bar Association (COMBAR), London, 14 March 2017
- Seminar: [Chancery Limitation Periods](#)(with [Andrew Brown](#)), Chancery Bar Association New Practitioners’ Programme, London, 28 February 2017

His recent commentary and articles include:

- Press: [Europe looks to take London’s lead](#), Commercial Dispute Resolution, 29 August 2018
- Press: [Chinese court poses ‘no immediate threat’ to London’s legal dominance](#), The Law Society Gazette, 22 August 2018
- Press: [Germany plans English-speaking courts after Brexit](#), The Barrister, 14 August 2018
- Article: [Dreamvar: the practical implications](#) (with [Jeremy Cousins QC](#)), [Central London](#), August 2018, pp 18-19 (City of Westminster and Holborn Law Society)
- Press: [FCA Impotence Over RBS Exposes Gap In Lending Regs](#), Law360, 2 August 2018
- Press: [Day Trader Sues After Making €10 Million on ‘Dummy’ Trades](#), The Wall Street Journal, 21 June 2018
- Blog: [Six points: practical issues arising from the judgment in Dreamvar](#), May 29, 2018
- Article: [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)
- Article: [Redress due to insolvent companies: set-off and floating charges](#)(2018) 1 JIBFL 16 (Butterworths Journal of International Banking and Financial Law)
- Blog: [The Channel Islands Financial Ombudsman’s first full year: ten bullet points](#), 6 June 2017
- Article: [Consequential loss exclusions in financial mis-selling claims](#)(2017) 5 JIBFL 277 (Butterworths Journal of International Banking and Financial Law)
- Publication: [Commercial Bar Association \(COMBAR\) Brexit Report \(Financial](#)

[Services Sub-Group](#)(contributor), 24 January 2017

- Press: [A CPD revolution](#), Counsel, September 2016
- Blog: [Can 'active cash' really beat the Stock Market?](#), 19 June 2016

## **QUALIFICATIONS**

- Exhibitioner of Corpus Christi College, Cambridge
- Commendation in Diploma in Law (University of Westminster)
- The Everard Ver Heyden Foundation Prize for Advocacy (Inns of Court School of Law)

## **MEMBERSHIPS**

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

## **POLICIES AND OTHER DETAILS**

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