



Clyde Darrell

Barrister

Year of Call: 2014

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Overview

Clyde Darrell's practice encompasses all of Chambers' practice areas and he is regularly instructed on matters in the High Courts and County Courts throughout England and Wales, by some of the largest law firms and financial institutions.

Clyde was called to the Bar by Gray's Inn in 2014 and successfully completed his pupillage at a leading set in London. Since being called to the Bar, Clyde has developed a range of advisory, drafting and advocacy experience in a number of areas.

Clyde enjoys a growing practice specialising in Banking and Finance, Commercial Litigation and Property Litigation matters and has gained a reputation for being extremely hardworking and dynamic with an ability to advise on complex legal issues.

Clyde is also an accredited civil and commercial mediator.

Practice Areas

Banking and Finance

Clyde has a growing Banking and Finance practice in which he has been instructed to advise, draft and represent a variety of clients. Clyde has particular experience in mortgage possession claims and routinely delivers webinars on novel issues which arise in this area. Clyde has developed particular experience in the following areas:

- Consumer Credit (in particular unfair relationship claims and return of goods claims under the Consumer Credit Act 1974)



- Enforcement of Securities, Guarantees and Indemnities (in particular bringing and defending possession claims by mortgagees, LPA Receivers and charge holders)
- Wrongful Interference with Goods/Conversion
- Credit Hire

Recent Cases

- Currently instructed as independent counsel in a SFO investigation of widespread and systematic fraud and financial misconduct in a large multinational company trading in raw steel and steel products. The investigation has involved detailed consideration of 38 trade finance advances from trade finance banks culminating in losses to the banks of over US\$170m.
- Advised a finance company in a claim against a borrower who argued that the loan agreement had given rise to an unfair relationship under section 140A of the Consumer Credit Act 1974 by reason of the interest charged in the context of short-term bridging finance.
- Successfully represented a major high street bank in resisting an appeal of a possession order brought by the executor of the estate. The court dismissed the appeal and awarded costs on the indemnity basis on the basis of the Defendant's unreasonable conduct.
- Acted for a finance company in proceedings to enforce their security over real property in the context of a regulated mortgage contract.

Commercial Litigation

Clyde has a wide range of experience in commercial litigation matters having been instructed in contentious and non-contentious matters for a range of clients including small and medium sized businesses, consumers and high net worth individuals in both the High Court and County Court. Clyde is particularly proficient in grappling with complex legal issues as well as understanding the commercial needs of his clients to ensure the best possible outcome. Clyde has particular experience in the following areas:

- Breach of contract



- Misrepresentation in tort and contractual claims
- Civil fraud
- Debt recovery
- Sale of Goods and Supply of Goods and Services
- Unfair terms in consumer contracts
- Undue Influence
- Breach of fiduciary duty

Recent Cases:

- Acted as Junior Counsel for a businessman in his claim for damages for malicious prosecution, unlawful act conspiracy and unlawful interference arising out of a Serious Fraud Office investigation into the collapse of Kaupthing Bank. The case was widely reported in the press and was one of The Lawyer's Top 20 Cases of 2018.
- Successfully represented a group of consumers in their cross-border claim that an exclusive jurisdiction clause which required them to bring any legal action exclusively in Bulgaria was unfair under the UTCC Directive 1993. This involved detailed consideration of the interplay between Brussels I (recast) and the UTCC Directive.
- Advised and represented a respected business owner whose silent partner had taken steps to remove the client from the business, dissolve the Partnership and misappropriate Partnership assets valued at over £300k.
- Acted in a claim valued at £75k for breach of contract of a loan agreement which raised issues of beneficial interests in joint bank accounts, proprietary estoppel and issues under section 5 and 6 of the Limitation Act 1980.

Property Litigation

- Clyde is steadily developing a property law practice and is regularly instructed to advise and represent clients in the High Court, County Court and First Tier Tribunal. Clyde has acted for a number of different clients including but not limited to property owners, commercial and



residential landlords and tenants. In particular, Clyde can advise and represent clients dealing with the following matters:

- TOLATA claims
- Disputes under the Landlord & Tenant Act 1954 (in particular disputes relating to commercial leaseholds)
- Relief from Forfeiture
- Disrepair and dilapidations

Recent Cases:

- Successfully defended a client in a 3-day multi-track neighbour dispute. The claim raised issues of harassment, damage to property, trespass and breach of restrictive covenant and the Claimant had sought damages in excess of £100k. The court awarded nominal damages and after detailed argument on costs, ordered the Claimant to pay the clients costs.
- Successfully advised and represented a client in a section 10A application in POCA proceedings before a High Court Judge. The proceedings were brought by the Environment Agency against the clients ex-partner. The issues before the court were the extent of the clients respective beneficial interest in a number of co-owned businesses and domestic properties which involved considering principles under TOLATA and proprietary estoppel.
- Represented a Defendant landlord in proceedings brought against it under section 214 of the Housing Act 2004. Successfully persuaded the Court that the penalty sum to be awarded should be nominal having regard to the conduct of the landlord and the trivial nature of the breach, which ultimately resulted in Part 36 consequences awarded against the Claimant.
- Successfully obtained an interim injunction against a landlord which required them to allow a commercial tenant to re-enter the property.

Education

- Bar Professional Training Course (BPTC) – University of West of England
- LLM (International Commercial Law) – Cardiff University
- LLB (Hons) – Cardiff University



Professional Memberships

- Commercial Bar Association (COMBAR)
- Bermuda Bar Association
- London Young Lawyers Group
- ADR Group Accredited Mediator
- The Honourable Society of Gray's Inn (2012)

Awards

- Dame Lois Browne-Evans Scholarship - 2015 (Bermuda Bar Association)
- Cox Hallett Wilkinson, Legal Bursary Award - 2008- 2009
- Appleby, Legal Bursary Award – 2008- 2009
- Chairman, Staff Student Panel, Cardiff University - 2009-2011

Professional Development

LinkedIn