

# David Mayall



David has vast experience and has appeared numerous cases dealing in all aspects of commercial law including banking, sale of goods, carriage of goods and insurance. He has particularly extensive experience of litigating cases involving financial derivatives such as CFDs and Spread Bets.

He has regularly dealt with all areas of company law including insolvency, disqualification, directors' duties and minority shareholder actions.

In property matters he acts regularly for both commercial landlords and tenants. He acts both for and against large commercial lenders in mortgage matters. He has particular expertise in dealing with Party Wall matters.



**Year of Call: 1979**

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## Further information

### Appointments

- Recorder – Civil and Criminal jurisdictions
- Judge of the Restricted Patients Panel of the MHRT
- Judge of the FTT (IAC)

### Qualifications

- MA (Cantab) Called to the Bar 1979

### Interests

Golf, bridge, horseracing

### Property

David has appeared in all levels of Court and Tribunals including the Court of Appeal (both in the UK and Gibraltar), the Privy Council and the House of Lords. In property matters he acts regularly for both commercial landlords and tenants and in property development disputes. He acts both for and against large commercial lenders in mortgage matters.

### Related cases of interest

R. (on the application of Antino) v Royal Institute of Chartered Surveyors [2015] EWHC 2457 – Administration of justice – Professions – Bias

Dhillon v Sandhu [2014] EWHC 3229 (Ch) – Consent orders – Dissolution – Non-compliance – Partnership accounts – Relief from sanctions – Unless orders



Telford Homes (Creekside) Ltd v Ampurius Nu Homes Holdings Ltd (2013) [2012] BLR 387, 144 Con LR 72 (Ch); [2013] BLR 400, 148 Con LR 1, [2013] 23 EG 76 (CA) — Breach of contract; Development and Construction contracts; Delay; Loss; Repudiation

Quest Advisors Ltd v McFeely (2011) [2011] EWCA Civ 1517; [2012] 1 E.G. 54 – Court of Appeal — Breach of contract; Commercial property; Contribution; Interim payments; Late payments; Payments; Repudiation; Sale of property

Vedalease Ltd v Cascabel Investments Ltd (2009) [2009] 2 E.G.L.R. 51; [2009] 29 E.G. 100; [2009] 20 E.G. 102 (C.S.) — Costs; Costs orders; Legal charges; Mortgagees' powers and duties

Colpy Ltd v McFeely (2008) [2008] EWHC 3476 (Ch) — Agreements; Contracts for sale of land; Intention to create legal relations; Land register notices; Removal

Vedalease Ltd v Averti Developments Ltd (2007) [2007] 2 E.G.L.R. 125 — Clog on equity of redemption; Costs; Default; Mortgages; Receivers' powers and duties; Security

Dogan v Semali Investments Ltd (2005) [2005] EWCA Civ 1036; [2005] 3 E.G.L.R. 51; [2005] 50 E.G. 92; [2006] 1 P. & C.R. DG8 — New business tenancies; Planning permission; Redevelopment

## **Commercial**

David has regularly dealt with all areas of company law including insolvency, disqualification, directors' duties and minority shareholder actions. He has appeared in numerous cases dealing with all aspects of commercial law including banking, sale of goods, carriage of goods and insurance. In the employment field he has recently acted for a major financial services client in a whistle blowing claim listed for 12 days. He has particularly extensive experience and expertise in all aspects of the law relating to gambling and, in particular, spread betting and CFDs.

## **Related cases of interest**

Quinn v IG Index Ltd [2018] EWHC 2478 (Ch) – Best interests – Breach of duty of care – Financial spread betting – financial traders – Risk assessment

Ehrentreu v IG Index Ltd [2018] EWCA Civ 79 – Breach of contract – Causation – Duty of care – Economic harm – Financial spread betting

IG Index Ltd v Cloete [2016] EWHC 2297 (QB) – Confidential information – Costs – Offers – Striking out

IG Index Ltd v Ehrentreu [2015] EWHC 3390 (QB) – Breach



of contract – Breach of statutory duty – Causation –  
Contributory negligence – Counterclaims – Financial  
spread betting – Mitigation

Dhillon v Sandhu [2014] EWHC 3229 (Ch) – Consent orders  
– Dissolution – Non-Compliance – Partnership accounts –  
Relief from sanctions – Unless orders

IG Index Ltd v Cloete [2014] EWCA Civ 1128 – Abuse of  
process – Confidential information – Delivery up –  
Disclosure – Implied undertakings – Permission –  
Retrospective permission – Striking out

IG Index Ltd v Aryeh Ehrentreu (2013) [2013] EWCA Civ 95 –  
Court of Appeal — Spread Betting – settlement  
agreement- rights of equitable set off- breach of statutory  
duty

IG Index plc v James Colley & 15 ors (2013) [2013] EWHC  
478 -HC — Breach of fiduciary duty; Dishonest assistance;  
Employees' duties; Financial spread betting; Financial  
traders; Fraud

Quest Advisors Ltd v McFeely (2011) [2011] EWCA Civ 1517;  
[2012] 1 E.G. 54 – Court of Appeal — Breach of contract;  
Commercial property; Contribution; Interim payments;  
Late payments; Payments; Repudiation; Sale of property

IG Index plc v Leung-Cheun (2011) [2011] EWHC 2212 (QB)  
— Agreements; Contracts for differences; Interpretation;  
Investment management; Spread betting

Vedalease Ltd v Cascabel Investments Ltd (2009) [2009] 2  
E.G.L.R. 51; [2009] 29 E.G. 100; [2009] 20 E.G. 102 (C.S.) —  
Costs; Costs orders; Legal charges; Mortgagees' powers  
and duties

Colpy Ltd v McFeely (2008) [2008] EWHC 3476 (Ch) —  
Agreements; Contracts for sale of land; Intention to create  
legal relations; Land register notices; Removal

Alvona Developments Ltd v Manhattan Loft Corp (AC) Ltd  
(2005) [2005] EWHC 1567 (Ch); [2006] B.C.C. 119 —  
Appointments; Board of directors; Meetings; Summary  
judgments

Argyle Crescent Ltd v Definite Finance Ltd (2004) [2004]  
EWHC 3422 — Abuse of process; Corporate insolvency;  
Debts; Injunctions; Winding-up petitions

