

Richard Edwards QC

Email Address: redwards@3vb.com

Year Of Call: **1993**

Year Of Silk: **2016**



Richard Edwards QC has a wide-ranging commercial practice, with a particular emphasis on banking and financial services; professional negligence and professional indemnity insurance; art and cultural property; and media and entertainment.

Richard has been variously described as “an excellent advocate who has a warm and personal approach that makes him a hit with clients” (Chambers & Partners, 2017); “a pleasure to work with, calm under pressure and clear in his advice” (Legal 500, 2017); “absolutely superb” (Chambers & Partners, 2016); “a particularly effective advocate, who has excellent client-handling skills” (Chambers & Partners, 2015); “very thoughtful, hardworking, resilient, unflappable and determined” (Legal 500, 2015); and “exceptionally bright, masterful in court and with such attention to detail” (Legal 500, 2014). He is ranked in the directories for Banking and Finance, Commercial Litigation, Art and Cultural Property (Chambers & Partners) and Media and Entertainment (Legal 500).

Notable recent cases in his principal practice areas include *Crestsign Ltd v National Westminster Bank plc* [2015] 2 All ER (Comm) 133, *Thwaytes v Sotheby's* [2016] 1 WLR 2143, and *CGL Group plc v The Royal Bank of Scotland plc* [2017] EWCA Civ 1073

Directory Quotes

“Very thoughtful, hardworking, resilient, unflappable and determined.”

Legal 500 UK 2015

“Richard is an excellent advocate who has a warm and personal approach that makes him a hit with clients.”

Chambers & Partners UK 2018

Expertise

Recent Cases

Advising and representing numerous bank customers in relation to claims arising out of the alleged mis-selling of interest rate hedging products, including *Crestsign v National Westminster Bank plc* [2015] 2 All ER (Comm) 133. Richard's practice in this area grew from his involvement as counsel for the Claimants in the "chip shop" case, *MacGregor v HSBC* (featured in this article in [The Sunday Telegraph](#) - the first in The Telegraph's long-running series of articles on the "[Rate Swap Scandal](#)"). *Marz Ltd v*

Bank of Scotland plc [2017] EWHC 3618 (Ch). *London Executive Aviation Ltd v The Royal Bank of Scotland plc* [2018] EWHC 74 (Ch).

Thwaytes v Sotheby's [2016] 1 WLR 2143 - Successfully defended Sotheby's (with Andrew Onslow Q.C.) against allegations of negligence in the assessment of a painting sold as a copy of Caravaggio's Cardsharps. Reported by the BBC.

Miller v Sutton [2011] EWHC 2706 (Comm); [2012] EWHC 906 (Ch); [2013] EWCA Civ 359 - Acted for the Defendant in striking out allegations of professional negligence relating to the conduct of litigation concerning performers' property rights in live recordings of a concert given by The Jimi Hendrix Experience in Stockholm in January 1969. See this news item in the Solicitors Journal.

Spencer-Churchill v Faggionato Fine Arts Ltd and others [2012] EWHC 2318 (Ch) - Acted for the Claimant in this action concerning the disputed sale of a painting by Jean-Michel Basquiat. The case involved allegations of fraud and secret commissions. Obtained injunctions against the main defendants, including a freezing order from the Court of Appeal. Read all about it in The Daily Mail.

Lord Coleridge v Sotheby's [2012] EWHC 370 (Ch) – Lord Coleridge v Sotheby's [2012] EWHC 370 (Ch) – At a "gripping" trial (The Economist), successfully defended Sotheby's against allegations of negligence in the dating and appraisal of the Coleridge Collar - a gold "Collar of Esses" worn by the Claimant's ancestor Lord Coleridge CJ in his capacity as the last Chief Justice of the Common Pleas. See article in the Antiques Trade Gazette.

British Arab Commercial Bank and others v Ahmad Hamad Algosaibi & Brothers Co: [2011] EWHC 1817 (Comm) - acted for Crédit Agricole Commercial and Investment Bank, one of a number of banks seeking to enforce claims under loan and ISDA Master agreements against a Saudi Arabian partnership allegedly owing US \$9 billion to 118 banks worldwide. The case was widely reported in the press and was one of The Lawyer's "Top 20" cases of 2011.

Erlson Precision Holdings Ltd v Hampson Industries Plc [2011] EWHC 1137 (Comm) - acted for the successful claimant in obtaining an order for rescission of a share sale agreement on the ground that the Defendant's Chief Executive Officer had committed fraud by deliberately suppressing material information concerning the exit of an important customer. See this article in The Birmingham Post.

Accidia Foundation v Simon C. Dickinson Ltd [2010] EWHC 3058 (Ch) - acted for the successful claimant at the trial of this claim by the seller of a drawing by Leonardo da Vinci to recover undisclosed commission from an intermediary involved in the sale. See this article in The Art Newspaper: "Leonardo case exposes back-room deals".

What the directories say

'Simply the best' for interest rate hedging products. **Legal 500 UK 2013**

'He is exceptionally bright, masterful in court, and has such attention to detail' **Legal 500 UK 2014**

'His knowledge of the auctioneer market is first rate.' **Legal 500 UK 2014**

'Regularly handles a wide range of art and cultural property disputes, particularly those involving auction houses. He has particular specialist insight into the art world, having worked as a dealer prior to coming to the Bar.' **Chambers & Partners UK 2015**

"On his feet, he is very measured and he doesn't rise to the bait." **Chambers & Partners UK 2015**

'An emerging presence in the field of media and entertainment law, who acts for music, new media and film and television clients in copyright and contractual disputes.' **Chambers & Partners UK 2015**

'He is highlighted by peers as a particularly effective advocate, who has excellent client-handling skills, and is noted for his knowledge of the art world.' **Chambers & Partners UK 2015**

'He thinks outside of the box and is masterful in court.' **Legal 500 UK 2015**

'Very thoughtful, hardworking, resilient, unflappable and determined.' **Legal 500 UK 2015**

'Highly regarded for matters involving art and cultural property.' **Legal 500 UK 2015**

"He is just good. He is sound, pragmatic and someone who doesn't shower you with unnecessary knowledge. He is to the point." **Chambers & Partners UK 2016**

"He was absolutely superb, worked very well with my solicitor and knew exactly the route and approach to take." **Chambers & Partners UK 2016**

"He really stands out due to his mastery of the technical detail." **Chambers & Partners UK 2016**

"The most knowledgeable and experienced claimant-side barrister in interest rate hedging disputes." **Legal 500 UK 2016**

"An experienced barrister, who has an excellent manner with clients." **Legal 500 UK 2016**

"Known for disputes relating to the international art market." **Legal 500 UK 2016**

"He loves works of art cases and is fascinated by art history, so he really gets into the detail." "I think he is a very strong barrister who is knowledgeable and has a good understanding of how the art market works." **Chambers & Partners UK 2017**

"He is calm, authoritative and a good tactician, as well as being excellent to work with." "A delightful guy to work with and has very strong knowledge of the banking sector." **Chambers & Partners UK 2017**

"I like and respect him. He is sound, pragmatic and doesn't shower you with unnecessary knowledge," comments one referee, adding: "He is good at explaining relatively tricky areas of the law and you can have a debate with him." **Chambers & Partners HNW 2017**

"Having been at an art dealer he has the background knowledge. He is very good on paper and very diligent." **Chambers & Partners HNW 2017**

Art & Cultural Property

Before coming to the Bar, Richard worked for some time for an art dealer specialising in Old Master and British pictures. His continuing interest in the art world has led him to develop a strong practice in art market disputes.

His current and recent work in this area includes:

Thwaytes v Sotheby's [2015] EWHC 36 (Ch), [2015] PNLR 12 - Successfully defended Sotheby's (with Andrew Onslow Q.C.) against allegations of negligence in the assessment of a painting sold as a copy of Caravaggio's *Cardsharps*. Reported by the [BBC](#).

Spencer-Churchill v Faggionato Fine Arts Ltd and others [2012] EWHC 2318 (Ch) – Acted for the Claimant in this action concerning the disputed sale of a painting by Jean-Michel Basquiat. The case involved allegations of fraud and secret commissions. Obtained injunctions against the main defendants, including a freezing order from the Court of Appeal. Read all about it in [The Daily Mail](#).

Lord Coleridge v Sotheby's [2012] EWHC 370 (Ch) *Lord Coleridge v Sotheby's* [2012] EWHC 370 (Ch) – At a "gripping"

trial (The Economist), successfully defended Sotheby's against allegations of negligence in the dating and appraisal of the Coleridge Collar - a gold "Collar of Esses" worn by the Claimant's ancestor Lord Coleridge CJ in his capacity as the last Chief Justice of the Common Pleas. See article in the [Antiques Trade Gazette](#).

Accidia Foundation v Simon C. Dickinson Ltd [2010] EWHC 3058 (Ch). Acted for the successful Claimant in claim to recover a secret profit from a dealer retained by the Claimant's agent to sell a drawing by Leonardo da Vinci.

Other recent cases include acting for the estate of an artist in accounting and negligence dispute with the artist's dealer; and advising in title disputes involving important paintings allegedly spoliated by the Nazis during the Second World War.

Banking & Finance

Richard has extensive experience of litigation involving all aspects of retail and commercial banking. In financial services, he has particular expertise in the field of derivatives mis-selling, and has been described as "The most knowledgeable and experienced claimant-side barrister in interest rate hedging disputes" (Legal 500, 2016).

Richard's practice in this area grew from his involvement as counsel for the Claimants in the "chip shop" case, *MacGregor v HSBC* in 2011 (featured in the first of [The Telegraph's](#) long-running series of articles on the "[Rate Swap Scandal](#)"); since then he has been involved in more than 100 similar cases including *Crestsign Ltd v National Westminster Bank plc* [2014] EWHC 3043 (Ch), [2015] 2 All ER (Comm) 133 and *St Dominic's Ltd v Royal Bank of Scotland plc* [2015] EWHC 3822 (QB). More recent cases include:

Marz Ltd v Bank of Scotland plc [2017] EWHC 3618 (Ch)

London Executive Aviation Ltd v The Royal Bank of Scotland plc [2018] EWHC 74 (Ch)

Other notable cases include:

British Arab Commercial Bank and others v Ahmad Hamad Algozaibi & Brothers Co [2011] EWHC 1817 (Comm) - instructed by Cr dit Agricole Commercial and Investment Bank in claims arising under an ISDA Master Agreement. One of [The Lawyer's "Top 20" cases of 2011](#).

Berghoff Trading Ltd v Swinbrook Developments Ltd [2009] 2 Lloyd's Rep 233 (Court of Appeal) - construction of syndicated loan agreement and associated finance documents; rights of guarantor against principal debtor.

Brampton Manor (Leisure) Ltd v McLean and ors [2007] BCC 640 (Evans-Lombe J); [2009] BCC 30 (Lewison J) - acted for Clydesdale Bank successfully defending multifaceted claim for alleged wrongful appointment of administrative receivers.

Richard is a contributor to Hewetson and Elliott, eds, *Banking Litigation*, Sweet & Maxwell, now in its third edition.

Media & Entertainment

Listed as a leading junior in this area, recent cases include disputes about music copyright, royalty accounting, and management fall-outs. Richard has experience in most areas of IP and similar work, including trade marks, passing off, breach of confidence, and the ownership and licensing of patents. Richard has also been instructed in a number of solicitors' negligence cases in the entertainment law field.

Decided cases include:

Miller v Sutton EWHC 2706 (Comm); [2012] EWHC 906 (Ch); [2013] EWCA Civ 359 – Acted for the Defendant in striking out allegations of professional negligence relating to the conduct of litigation concerning performers' property rights in live recordings of a concert given by The Jimi Hendrix Experience in Stockholm in January 1969. See this news item in the [Solicitors](#)

Journal.

Fisher v Brooker [2007] EMLR 9; [2007] FSR 12 Claim concerning authorship of the "summer of love" hit, A Whiter Shade of Pale

Lifeline Gloves Ltd v Richardson [2005] EWHC 1524 (Ch) Claim involving issues of construction of a patent for surgical gloves and associated commercial agreements; indemnity costs.

Racing UK Ltd v Doncaster Racecourse Ltd [2005] LLR 156 (Tugendhat J), [2005] LLR 701 (Court of Appeal). Claim concerning satellite broadcasting rights at Doncaster Racecourse.

AAH Pharmaceuticals v Vantagemax Plc [2002] EWHC 990 (Ch) Registered trade marks; whether marks identical; whether services identical; revocation for non-use.

Bridgeman Art Library Ltd v Corel Corporation (1998) 36 F. Sup. 2d 191 (amicus brief). Subsistence of copyright in photographs of Old Master paintings. In 2007, Richard took part in a re-enactment of this case at the Centre for Commercial Law Studies, Queen Mary, University of London

Creation Records v News Group Newspapers [1997] EMLR 444, The Times 29 April 1997 Breach of copyright, breach of confidence in subject-matter of photo-shoot for Oasis album cover.

Professional Negligence

Richard is frequently instructed to advise and represent claimants and defendants in professional negligence cases, mainly involving solicitors, auctioneers and construction professionals. He also advises on policy response issues in the professional indemnity context.

Recent work includes:

Thwaytes v Sotheby's [2015] EWHC 36 (Ch), [2015] PNLR 12 - Successfully defended Sotheby's (with Andrew Onslow Q.C.) against allegations of negligence in the assessment of a painting sold as a copy of Caravaggio's Cardsharps. Reported by the BBC.

Miller v Sutton EWHC 2706 (Comm); [2012] EWHC 906 (Ch); [2013] EWCA Civ 359 – Acted for the Defendant in striking out allegations of professional negligence relating to the conduct of litigation concerning performers' property rights in live recordings of a concert given by The Jimi Hendrix Experience in Stockholm in January 1969. See the news item in the Solicitors Journal.

Lord Coleridge v Sotheby's [2012] EWHC 370 (Ch) - Lord Coleridge v Sotheby's [2012] EWHC 370 (Ch) – At a "gripping" trial (The Economist), successfully defended Sotheby's against allegations of negligence in the dating and appraisal of the Coleridge Collar - a gold "Collar of Esses" worn by the Claimant's ancestor Lord Coleridge CJ in his capacity as the last Chief Justice of the Common Pleas. See article in the Antiques Trade Gazette.

Reported cases include:

Gravgaard v Aldridge & Brownlee [2005] PNLR 19: solicitors' negligence; date of knowledge for limitation purposes under section 14A of the Limitation Act 1980

Royal Brompton Hospital v Hammond and others: acted for defendant architects in this long-running litigation, including the following reported episodes:

Royal Brompton Hospital v Hammond (No 5) 76 Con LR 62, [2001] Lloyd's Rep PN 526, [2001] BLR 297;

Royal Brompton Hospital v Hammond (No 7) 76 Con LR 148, [2001] BLR 317;

Royal Brompton Hospital v Hammond, Taylor Woodrow (Part 20 Defendants) [2002] 1 WLR 1397 (House of Lords): a leading case on the Civil Liability (Contribution) Act 1978;

Royal Brompton Hospital v Hammond (No 8) (2002) 88 Con LR 1.

Other past cases include:

Papworth v Total Insurance Services Corporation Ltd [2005] EWHC 2454 (QB): Successfully defended building surveyors in claim arising out of alleged negligent design and supervision of remedial works following a flood

Acting for professional indemnity insurers in claim concerning the alleged negligent design of a water treatment plant (said to be the largest such facility in Europe)

Advising claimant lenders on the construction of an aggregation clause in the defendant solicitors' professional indemnity policy, where the defendant was facing multiple claims for negligence arising from the defendant's involvement in allegedly fraudulent mortgage transactions

Acting for defendant solicitors in claim for alleged negligence in drafting share sale and purchase agreement in respect of a classical recording company

Acting for defendant architects in claim arising out of failed sound insulation in a residential development.

Acting for defendant environmental consultants in claim for alleged negligence in testing for asbestos in a building destined for demolition and redevelopment.

Acting for defendant consulting engineers in claim concerning the remediation of a former gasworks site

Acting for project managers defending claim by employer arising out of a failed £multi-million adjudication

In the more distant past, Richard acted for consulting engineers in litigation arising out of one of the UK's largest ever land remediation projects; and for the claimant liquidators in the BCCI audit negligence claim.

Awards

Trinity College, Cambridge, 1988:
BA (1988). First Class (in English)

Research Scholarship (1988)

M.Phil. (1989)

Maitland Prize for Law

Queen Mother's Scholar, Middle Temple, 1992

Publications

Richard is a contributor to Hewetson and Elliott, eds, *Banking Litigation*, Sweet & Maxwell, now in its third edition.

Languages

French