

NEIL MOODY QC

Call 1989
Silk 2010

Get in touch

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Practice Overview

Neil specialises in product liability, property damage, professional indemnity, insurance and reinsurance and construction claims. He was Head of Chambers from 2015 – 2019.

He has been involved in a succession of high-profile cases, usually instructed by large insurers. Many of Neil's cases arise from major construction or utilities projects, or in the context of fires, floods and explosions. In 2018 he conducted the defence in *Kalma v African Minerals Limited*, a major international group action. He is particularly highly regarded for his grasp of technical evidence, his commercial approach and his courtroom skills.

Neil frequently leads teams of lawyers and experts. He accepts instructions as an arbitrator and is a Tecbar accredited adjudicator. He lectures in his areas of expertise in London and Dubai.

Neil has been recommended in the legal directories for many years and is now recommended as a leading Silk in the insurance, property damage, professional negligence and product liability categories. Legal 500 2018 describes Neil as *"superb"* and *"one of the finest trial barristers you can get."* Chambers UK 2016 comments that Neil is *"... a phenomenal QC..."* and *"the gold standard when it comes to property damage silks."* Previous editions commented that he is *"exceptionally bright, gives great advice and is both approachable and commercially astute", "an impressive advocate", "detailed and methodical... good on paper, in negotiation and at analysing expert issues...", "a genuine joy to work with, and someone you want on your team."*

Neil is recommended in the Chambers and Partners Directory 2018 as a leading silk in four categories: insurance/reinsurance, product liability, property damage, and professional negligence (TCC). He is recommended in the Legal 500 2018 in three categories: insurance/reinsurance, product liability, and professional negligence.



"phenomenal QC"
(Chambers UK)

Practice areas

Construction
Insurance & Reinsurance
International Group Actions
Product Liability
Professional Negligence
Property Damage

Memberships

PNBA
LCLCBA
COMBAR
TECBAR
Western Circuit

Qualifications

MA (Oxon)

Education

University of Oxford



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Construction

Neil has long-standing expertise in all aspects of construction related disputes, both in litigation, arbitration and adjudication. He accepts instructions as an arbitrator and is a Tecbar accredited adjudicator. He has longstanding experience of quantity surveying, programming and forensic accountancy evidence.

Current and Recent Work

Acting for a business interruption insurer in an ad-hoc arbitration (UNCITRAL rules) concerning coverage under a manufacturing policy. Complex forensic accountancy issues.

Acting for the manufacturer of industrial coatings in a dispute over the adequacy of a deck coating system at the Dubai Mall, UAE: *Al Nahda Insulation Contracting v Tremco Illbruck Export* [2017] EWHC

Acting for a main contractor in a delay and disruption claim arising from defective underpinning works for a newly constructed hotel. Complex programming and forensic accountancy issues.

Acting for the main contractor in a statutory adjudication arising from the construction of a flood management scheme.

Acting for the CAR insurers of a major London hotel project in a claim arising from the defective design and construction of the roof.

Acting for CAR insurers of major highway construction project in relation to defective earthworks. Multi-million pound delay claim.

Acting for employer and main contractor in claim brought by subsequent purchaser of blocks of flats in relation to claim for defects. Issues as to pure economic loss and proper quantification of the claim.

Insurance & Reinsurance

Neil's insurance and reinsurance practice complements the other areas of work. He deals with coverage disputes, non-disclosure, brokers' negligence, policy construction, and fraudulent and exaggerated claims. He is frequently asked to advise on the proper construction of PI, EL, PL and CAR policies.

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Current and Recent Work

Pursuit of action by insured against insurers for wrongful avoidance; application of ICOB; applicability of rule in Sprung relating to damages for non-payment of an indemnity: **Bate v Aviva** [2013] EWHC;

Successful defence of action brought by company director against his own company's EL policy; important case on duties of company directors: **Brumder v Aviva** [2013] EWCA;

Advising EL insurers as to whether the EL or PL policy responds in respect of a serious accident at work;

Advising insurers as to proper scope of claims under CAR policy in case of defective cladding; whether damage has been sustained; application of DE defects exclusions;

Advising insurers as to the scope of claims under a CAR policy in claims arising from defective earthworks;

Advising the insured IFA as to whether claims arising from the collapse of an Icelandic bank were covered by his PI policy;

Advising as to coverage of CAR policy in £23m claim arising from fire during construction project;

Advising brokers in action brought by insured in respect of inadequate political risks cover arising from trading in Cuba;

Advising claimant insured in action against insurers for wrongful avoidance; claim for damages in excess of the indemnity; applicability of rule in Sprung;

Advising insurers in £25m fire claim for indemnity under fire policy where insurers allege material non-disclosure and breach of warranty;

Successful pursuit by insurers of subrogated claim under Third Party Rights Against Insurers Act 1930 in action arising from claimant's liability for a fire; arbitration clause; effect of ICOB; **William McIlroy v Quinn Insurance** [2011] EWCA Civ 825,[2010] EWHC 244;

Advising insurers in respect of liability for multiple claims under passenger protection policy arising from cancellation of cruises: **All Leisure Holidays Ltd v Europaische Reiseversicherung** [2011] EWHC 2629 (Comm);

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Advising policyholder in relation to claim for an indemnity on fire policy where insurers have alleged fraud;

Advising a major firm of City solicitors as to coverage for negligence claims in claims-made policies;

Advising insurers as to double insurance and equitable contribution where two policies may respond to claim in respect of defective design and installation of office block pipework;

Advising insurers as to material non-disclosure, breach of warranty, effect of ICOBS in claim arising from large fire;

Advising partners of a firm of solicitors as to allegation of material non-disclosure in PHI policy taken out by the partners;

Advising insurers as to coverage in a crime and civil liability policy taken out by a building society and arising from mortgage fraud;

Advising RTA insurers and the MIB on compulsory insurance points.

Product Liability

Neil acts in many high-profile claims arising from defective industrial and consumer products, foodstuffs and pharmaceuticals.

Current and Recent Work

Advising commercial bakery in action against designers of defective oven which caused major fire;

Advising manufacturers of complex electroplating equipment in relation to £20m claim arising from devastating fire allegedly caused by defects in the equipment; sale of goods; causation; applicability of regulations;

Advising manufacturers of sophisticated ink jet technology in pursuit of claim arising from defective ink;

Advising manufacturers of potato fertilisers in defence of claim for poor crop yields;

Advising supplier of foodstuffs in claim arising from importation of ingredients contaminated with salmonella; related proceedings overseas; jurisdiction and conflict of laws issues;

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Advising supplier of submersible pump in successful defence of action arising from major fire in a Birmingham shopping centre; jurisdiction and conflicts of law issues: *Hi-Lite v Wolseley* [2009] EWHC 3075 (QB); [2011] EWHC 2153 (TCC);

Successful defence of claim arising from devastating explosion in Oxford Street caused by defective gas equipment and poor maintenance: *Coal Pension Properties v Nu-Way* [2009] EWHC 824 (TCC);

Advising high-profile motorcycle manufacturers in relation to serious accident caused by allegedly defectively cast components;

Advising manufacturer of gas equipment in defence of £25m claim arising from disastrous explosion and fire in a factory;

Pursuit of successful claim in respect of defective gypsum which caused excessive lead content in mushrooms sold in major supermarkets;

Advising manufacturer of satellite components in major product liability claim arising from damage to a satellite caused during testing.

Professional Negligence

Many of Neil's professional negligence instructions arise in the context of major construction or utility projects or as a result of fires or explosions. In particular, Neil acts for and against architects and engineers in these contexts. However Neil also has a broader professional negligence practice and he frequently acts in claims relating to surveyors, solicitors and insurance brokers. Neil frequently advises on PI coverage issues, also undertakes QC determinations in disputes between professionals and their insurers.

Current and Recent Work

Advising solicitors in defence of action by multiple claimants arising from advice relating to security obtained for overseas property investments;

Advising claimant in action against major firm of solicitors in action arising from the negligent settlement of ancillary relief proceedings;

Advising valuers in multiple actions brought by lenders arising from mortgage valuations;

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Advising designers of electrochemical plating equipment in action arising from major fire allegedly caused by defective design;

Advising commercial bakery in action against designers of industrial oven;

£60m multi-party action arising from major construction project; delay claim brought against consulting engineers and construction management professionals; claim for sterilised equity; advising the consulting engineers;

Advising main contractor in multi-party claim arising from defective design and installation of gas supply system in new apartment blocks; significant delay claim;

£7m claim arising from subsidence of shopping centre built on landfill; acting for consulting engineers; geotechnical engineering evidence;

QC determinations between surveyors and PI insurers arising from the defence of claims brought by lenders;

Multi-party action arising from major fire in Manchester apartment block; claims against architects and electrical engineers; fire allegedly exacerbated by defective fire stopping and novel cavity construction; issues as to spread of fire and compliance with Building Regulations; advising the developers; electrical engineering evidence;

Complex claim arising from defective design and construction of multi-storey timber framed building; advising the main contractor;

£12m claim against a health and safety consultant in respect of allegedly negligent health and safety inspections.

Property Damage

Neil heads the 2TG Property Damage Group. Neil deals with high value claims usually arising from construction or utilities projects, fires, explosions, floods and subsidence. He has an excellent grasp of the expert evidence required in these often highly technical cases.

Neil's reported property damage cases include: **Oldcorn v Southern Water** [2017] EWHC (flood); **Cooper v Thameside** [2016] EWHC (flood); **Mueller v Central Roofing** [2013] EWHC (fire); **Hi-Lite v Wolseley** [2011] EWHC (fire); **Chubb Fire v Vicar of Spalding** [2010] EWCA (contamination); **Cordin v Newport** [2009] EWHC (flood); **William McIlroy v Quinn Insurance** [2011]

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EWCA (fire); *Coal Pension Properties v Nu-Way* [2009] EWHC (gas explosion).

Current and Recent Work

BBC v Sony (2018, ongoing): acting for BBC in recovery action arising from huge fire in Sony warehouse caused by arson during London Riots of 2012;

Advising as to liability in respect of damage to power station caused by catastrophic explosion which killed many and damaged two hundred buildings;

Advising local authority as to remedies arising from flood damage caused by overflowing lake after heavy rainfall;

Advising gas installation engineers in respect of liability for an explosion which damaged 200 houses;

Advising building contractors as to liability for fire arising from their works, and their rights against PL insurers who declined cover;

Advising major national retailer in respect of recovery of losses arising from disastrous fire at flagship store; complex electrical engineering issues;

Successful pursuit of subrogated claim for disastrous £23m fire caused by construction works; issues as to contractual construction, causation and remoteness: *Mueller v Central Roofing* [2013] EWHC;

Advising insurers in defence of claim for extensive fire damage caused by construction works where fire spread to neighbouring properties;

Advising main contractor in claim arising from partial collapse of school building; economic loss; complex structure theory;

Defence of claim arising from disastrous fire on plastic extrusion line; fire allegedly caused by defectively designed and installed control system;

Advising major electrical utility in action arising from fire allegedly caused by defect in supply side equipment; issues as to scope of duty of care and statutory regulations; electrical engineering issues;

Advising gas utility as to liability for extensive property damage caused by major gas explosion; scope of duty to inspect and maintain gas pipelines;

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Advising occupiers in respect of extensive flood damage caused by negligent operation of water utility's pumping station;

Advising major industrial corporation in respect of extensive damage caused to power station infrastructure as a result of poor upgrading works; electrical engineering issues;

Advising householder as to claim for noise nuisance caused by nearby pumping station;

Advising fire extinguisher manufacturer in respect of claim for extensive damage to a church arising from use of fire extinguishers but caused by vandals; causation; novus actus; **Chubb Fire v Vicar of Spalding** [2010] EWCA Civ 981;

Advising supplier of submersible pump in successful defence of action arising from major fire in a Birmingham shopping centre; jurisdiction and conflicts of law issues: **Hi-Lite v Wolseley** [2009] EWHC 3075 (QB); [2011] EWHC 2153 (TCC);

Advising multiple claimants in successful claim for flood damage arising from negligently operated reservoir; **Rylands v Fletcher**; statutory duties and powers; expert hydrology evidence: **Cordin v Newport** [2009] EWHC (TCC);

Advising main contractor in claim against sub-contractor arising from defective soils stabilisation works in connection with construction of large warehouse; geotechnical engineering issues;

Advising main contractor in multi-party action arising from large fire on construction site; spread of fire to neighbouring premises;

£100m fire claim arising from allegedly defective fuelling and defuelling system at motorcycle factory; advising designers of the system

Significant Cases

Mueller v Central Roofing [2013] EWHC 237 (TCC): property damage / insurance; successful pursuit of subrogated claim for £23m fire damage to factory; contractual construction; causation; remoteness;

Bate v Aviva [2013] EWHC 1687 (Comm): claim against insurers for wrongful avoidance; material non-disclosure; misrepresentation; breach of

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warranty; effect of ICOBS; scope of rule in Sprung re damages for late payment of indemnity;

Brumder v Aviva [2013] EWCA Civ 195: successful defence on behalf of insurers of claim brought by claimant who owned the insured company and sued on his own EL policy; scope of directors duties;

William McIlroy v Quinn Insurance [2011] EWCA Civ 825, [2010] EWHC 244; insurance / property damage; successful pursuit by insurers of subrogated claim under Third Party Rights Against Insurers Act 1930 in action arising from claimants liability for a fire; arbitration clause; effect of ICOB;

Hi-Lite v Wolseley & DAB Pumps [2011] EWHC 2153 (TCC): product liability / fire; jurisdiction and conflicts of law; successful defence of action arising from major fire in a Birmingham shopping centre;

Chubb Fire v Vicar of Spalding [2010] EWCA Civ 981 successful defence for fire extinguisher manufacturer in claim for extensive damage to a church arising from use of fire extinguishers but caused by vandals; causation; novus actus;

All Leisure Holidays Ltd v Europaische Reiseversicherung [2011] EWHC 2629 (Comm); insurance/ reinsurance; liability of insurers for multiple claims under passenger protection policy arising from cancellation of cruises;

Coal Pension Properties v Nu-Way [2009] EWHC 824 (TCC): product liability / explosion: successful defence of claim arising from devastating explosion in Oxford Street caused by defective gas equipment and poor maintenance;

Cordin v Newport [2009] EWHC (TCC); nuisance / Rylands v Fletcher / flooding: successful claim on behalf of multiple claimants for flood damage arising from negligently managed reservoir;

Hi-Lite v Wolseley [2009] EWHC 3075 (QB); fire / abuse of process / res judicata; successful defence of allegations of abuse of process.

Haward v Fawcetts [2006] UKHL accountants negligence / limitation; claim arising from advice on purchase of a company; Neil acted for the successful accountants throughout this case; leading case on limitation in professional negligence claims;

Bybrook Barn v Kent County Council [2001] BLR 55; successful pursuit of major flood claim; leading case on nuisance by flooding.

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Recommendations

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"An excellent trial advocate who is highly intelligent, calm, responsive and great with clients." "Very user-friendly and approachable." "He's a very good team player, which is rare in a person of his position. He is very clear, fair and balanced." "A very good team player who makes his solicitors look good to clients, lets everyone contribute and speak, and is very clear, fair and balanced." "Excellent to work with. He is very thorough and does his research well." "He provides calm, considered advice and is willing to roll up his sleeves and engage with the detail."

Chambers UK 2019

'Easy to work with and particularly well regarded for advisory work.'
'Excellent for complex advisory work.' 'He is experienced in construction-related professional negligence.'

Legal 500 2018

"His strength is his advocacy. He is a persuasive advocate who is a smart operator in the best sense of the word smart." "Enormously respected, he is clear, concise, very firm in his views and commercially minded."

Chambers UK 2018

"He's got the lot: quality, attention to detail, fantastic advocacy and a really good client manner."

Chambers UK 2018

"superb"

Legal 500 2017

"one of the finest trial barristers you can get"

Legal 500 2017

"very experienced, has a very commercial approach, is straightforward and easy to work with"

Chambers UK 2017

"understands what clients want and then implements it."

Chambers UK 2017

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"instils a great sense of authority and confidence... Offers well respected, considered advice."

(Chambers UK 2017)

"fantastic! incredibly approachable with fast turnaround times"

Legal 500 2016

"very bright and able, and has an air of calm authority in court"

Legal 500 2016

"the gold standard when it comes to property damage silks"

Chambers UK 2016

"the meticulousness of his advice makes him stand out... ticks the essential three boxes – knowledgeable, good with clients and responsive."

Chambers UK 2016

"provides clear and concise work, and is good on attention to detail."

Chambers UK 2016

"approachable, calm and highly commercial."

Chambers UK 2016

"a team player who spots difficult issues and is not afraid to tackle them."

Legal 500 2015

"very experienced in major coverage disputes."

Legal 500 2015

"very responsive, easy to deal with, client-friendly and gives clear, concise advice."

Legal 500 2015

"an excellent advocate who is great with clients and a leader in terms of knowledge"

Chambers UK 2015

"tremendous as he is very clever and capable, and great on his feet... Very hands-on and good at working out a route to success"

Chambers UK 2015

"excellent on his feet... A formidable advocate who is clear, concise and has a great court presence."

Chambers UK 2015

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"sensible, effective, articulate and highly intelligent."

Chambers UK 2015

"a good leader"

Legal 500 2014

"recommended for construction-related professional negligence cases."

Legal 500 2014

"exceptionally bright, gives great advice, and is both approachable and commercially astute"

Chambers UK 2014

"excellent and an impressive advocate"

Chambers UK 2014

"detailed and methodical... A very good advocate; he is good on paper, in negotiation and at analysing the expert issues in the case"

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"understands his clients and their needs better than most"

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"a genuine joy to work with, and someone you want on your team"

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