

# NEIL MOODY QC

Call 1989

Silk 2010

## Get in touch

[nmoody@2tg.co.uk](mailto:nmoody@2tg.co.uk)

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## Practice Overview

Neil is a leading silk specialising in the fields of construction, product liability, property damage, professional indemnity, and insurance/reinsurance. He was Head of Chambers from 2015 – 2019.

Neil has been involved in a succession of high-profile cases, often instructed by large insurers. Many of Neil's instructions arise from major construction or utilities projects, or in the context of fires, floods or explosions. Beyond his specialisms, Neil has a great breadth of experience across commercial and common law, including international group actions. He is highly regarded for his skills as an advocate both in court and international arbitrations, his grasp of technical evidence, and for his commercial approach.

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

Neil was The Times "Lawyer of the Week" in January 2019.

Neil has been recommended in the legal directories for many years. He is now recommended as a leading silk in the insurance, property damage, professional negligence and product liability categories.

Chambers and Partners (2020 edition) comments: *"He's exceptional in court and has very good relationships with clients, solicitors and the Bench..."*, *"Instils a great sense of authority and confidence"*, *"A go-to person for high value work."* Legal 500 (2020 edition) describes Neil as *"a brilliant advocate with excellent technical understanding."*

Comments in previous editions include: *"one of the finest trial barristers you can get,"* *"... a phenomenal QC..."*, *"exceptionally bright, gives great advice and is both approachable and commercially astute"*, *"a genuine joy to work with, and someone you want on your team."*



*"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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# NEIL MOODY QC

## Property Damage

Neil heads the 2TG Property Damage Group. He 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: **2 Entertain Video Ltd v. Sony DADC Europe Ltd** [2020] EWHC 972 (fire); **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] EWCA (fire); **Coal Pension Properties v Nu-Way** [2009] EWHC (gas explosion).

## Current and Recent Work

Successful recovery action for BBC in recovery action arising from huge fire in Sony warehouse caused by arson during London Riots of 2012: **2 Entertain Video Ltd v. Sony DADC Europe Ltd** [2020] EWHC 972;

International arbitration (LCIA rules, Zurich seat) arising from major explosion caused by defective gas engines;

Advising insurers of aerospace manufacturer in relation to chemical spill and consequent catastrophic fire;

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;

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# NEIL MOODY QC

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;

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 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;

Acting for householders in respect of flood damage caused by poorly maintained sewerage system: **Oldcorn v Southern Water** [2017] EWHC;

Successful defence of claim against plumbing contractors in respect of allegedly defective pipework installation which caused a flood: **Cooper v Thameside** [2016] EWHC;

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;

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# NEIL MOODY QC

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).

## 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 detailed experience of quantity surveying, programming and forensic accountancy evidence.

## Current and Recent Work

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;

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# NEIL MOODY QC

Acting for the manufacturer of industrial coatings in a dispute over the adequacy of a deck coating system at the Dubai Mall, UAE.

## Insurance & Reinsurance

Neil is Co-Head of Insurance at 2TG. His insurance and reinsurance work complements the other areas of his practice. He deals with coverage disputes, non-disclosure, brokers' negligence, policy construction, fraudulent and exaggerated claims. He is frequently asked to advise on the proper construction of PI, EL, PL and CAR policies.

## Current and Recent Work

Advising as to coverage in relation to business interruption claims arising from coronavirus pandemic;

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

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;

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

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);

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.

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## Current and Recent Work

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

Advising manufacturer of domestic drain cleaner in respect of fatal accident;

Advising manufacturer of electrical components in respect of 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;

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;

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 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).

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## 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. He also 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;

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

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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.

## Significant Cases

**Kalma v. African Minerals Ltd** [2020] EWCA Civ 144; [2018] EWHC 3506: successful defence of major international group action arising from claims brought against a mine operator

**2 Entertain Video Ltd v. Sony DADC Europe Ltd** [2020] EWHC 972: Successful recovery action for BBC in recovery action arising from huge fire in Sony warehouse caused by arson during London Riots of 2012:

**Oldcorn v Southern Water** [2017] EWHC: Acting for householders in respect of flood damage caused by poorly maintained sewerage system:

**Cooper v Thameside** [2016] EWHC: Successful defence of claim against plumbing contractors in respect of allegedly defective pipework installation which caused a flood;

**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 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 ICOP;

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**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.

## Recommendations

Neil is recommended in the Chambers and Partners Directory 2022 as a leading silk in four categories: insurance/reinsurance, product liability, property damage, and professional negligence (TCC). He is recommended in the Legal 500 2022 in three categories: insurance/reinsurance, product liability, and professional negligence.

*"Neil is fantastic." "He managed to marshal difficult arguments very well and he presented the case very attractively to the judge." "He has a good grasp of technical areas and is able to deliver information in a clear and concise way." "He knows his stuff and is incredibly calm and persuasive."*

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# NEIL MOODY QC

"Clients like him, he has a very good reputation in the market and he is a very good trial advocate." "He has a good grasp of the technical areas, works collaboratively and can deliver advice in a thorough, clear and concise way." "A first-class barrister who is hard-working and focused." "He is skilful and user-friendly on property damage and insurance-related cases."

## Chambers and Partners 2022

"Neil is extremely impressive in court, and certainly has the ear of the judge. He cuts through complex legal and factual submissions with ease." "Very good judgement and sound commercial sense, with a good nose for how far to push points – he is tactically and strategically acute, and a team player who is thoroughly reliable and very easy to work with. He quickly grasps the issues and provides excellent advice in an easily digestible format." "His product liability is incredibly impressive, and complements his extensive property damage and insurance practice. He deals with huge claims involving competing causes of action, multiple parties, conflict of laws issues etc. He is extremely impressive in Court and Judges love to listen to him. His submissions are incredibly clear and manage to cut through complex legal, expert and factual submissions with ease."

## Legal 500 2022

"He is a poised and persuasive advocate." "He's extremely user-friendly and responds very promptly." "Very well regarded throughout the field: reliable and a safe pair of hands." "His manner with clients is fantastic, and he's lovely, diplomatic and sharp in dealing with difficult people in such a way that they don't realise they are being talked round to his point of view." "He keeps his cool and remains unflappable throughout."

## Chambers UK 2021

"He is absolutely brilliant on the technical detail and has an eye for the real issues in a case." "He is very easy to work with, well respected by clients, astute and gives excellent commercial advice." "Authoritative, measured and technically gifted, and fantastically reassuring to both client and solicitor alike."

## Legal 500 2021

"Extremely able." "He boils complex issues down so that mere mortals can understand." "He's exceptional in court and has very good relationships with clients, solicitors and the Bench. Judges respect him which is useful, and he's exceptionally good at providing calm and concise advice." "Instils a great sense of authority and confidence." "A go-to person for high value work."

## Chambers UK 2020

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*"Combines a robust approach with being commercially minded and pragmatic." "He is a brilliant advocate with excellent technical understanding." "Well respected by lawyers and clients for his grasp of the detail."*

**Legal 500 2020**

*"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**

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

**Chambers UK 2018**

*"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**

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

*"understands what clients want and then implements it."*

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

**Chambers UK 2017**

*"superb"*

*"one of the finest trial barristers you can get"*

**Legal 500 2017**

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

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

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

*"approachable, calm and highly commercial."*

**Chambers UK 2016**

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# NEIL MOODY QC

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*"fantastic! incredibly approachable with fast turnaround times"*

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

**Legal 500 2016**

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

*"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"*

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

*"sensible, effective, articulate and highly intelligent."*

**Chambers UK 2015**

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

*"very experienced in major coverage disputes."*

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

**Legal 500 2015**

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

*"excellent and an impressive advocate"*

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

**Chambers UK 2014**

*"a good leader"*

*"recommended for construction-related professional negligence cases."*

**Legal 500 2014**

*"understands his clients and their needs better than most"*

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

**Chambers UK 2013**

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